

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, August 6, 2009**

Those in Attendance:

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

The East Brandywine Township Board of Supervisors meeting of Thursday, August 6, 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, Carl Walker from the Bondsville Mill Committee, and one other visitor.

Public Comment for Non-Agenda Items

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

Roadmaster Report

Delaware Valley Regional Planning Commission Report

The Delaware Valley Regional Planning Commission recently completed their findings on the Rt. 322 corridor from Downingtown Borough to the Lancaster County Line. Mr. VanLew provided comments for the Commission's review, which have been incorporated in the final report. A copy of the document will be available for review by the public.

Lyndell Bridge

Mr. VanLew reported that it is still PennDOT's position that the Lyndell Bridge was abandoned to East Brandywine Township and Upper Uwchlan Township in November of 1971. According to the plan, the road and bridge were abandoned pursuant to the authority granted in the Flood Control Law, the Act of August 7, 1936, P.L. 106, No. 46, Section 14, as amended. The Statute reads that the Department of Highways (PennDOT) or municipalities may enter into agreements to relocate roads, streets, bridges and viaducts necessitated by the construction of any Station of Federal flood control works or improvement; and may agree therein to construct new roads, streets bridges and viaducts. To date, PennDOT has not produced an agreement for this bridge. In addition, PennDOT has not been able to provide any information indicating that the bridge was formally transferred to East Brandywine Township and Upper Uwchlan Township via the Chester County Recorder of Deeds. Mr. VanLew asked for the Supervisors' and Mr. Piersol's input on how to proceed. Mr. Piersol suggested that the Township request Representative Schroder's assistance in scheduling a meeting with Upper Uwchlan Township and PennDOT representatives to discuss this issue. Mr. Fischer stated that the request should be in writing. 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.

Caln Township Zoning Hearing – 1100 Osborne Road

Diana Darlington and Sai Temple by and through Kulray Singh, seek a special exception pursuant to Section 155-21.D(4) of the Caln Township Zoning Ordinance to use the property located at 1100 Osborne Road as a religious use. The Applicants also seek a variance from Section 155.91.D(2) which requires a religious use to have public water and sewer.

Mrs. Smedley stated that the Municipal Authority is opposed to the Zoning Hearing Board granting the special exception and variance because of concerns that a failing septic system on the property could contaminate private residential wells in East Brandywine Township.

The East Brandywine Township Planning Commission will send a letter to the Chairman of the Caln Township Zoning Hearing Board outlining their concerns about traffic and environmental impacts the use might have on the surrounding area.

The Supervisors agreed that not enough information has been provided on the application and share the concerns of the Municipal Authority and Planning Commission. Chairman Voltz made a motion to oppose the Caln Township Zoning Hearing Board granting the special exception and variance. Mr Fischer seconded the motion, with all voting Aye.

Township Manager Scott Piersol will attend the Caln Township Zoning Hearing at the request of the Supervisors and request party status on behalf of East Brandywine Township.

Amendments to Municipalities Planning Code – Acts 39 and 40

Recent amendments to the Pennsylvania Municipalities Planning Code (MPC) will affect the time period within which to appeal or contest the validity of an ordinance based on a procedural defect in the process of enactment or the validity of a decision based on a procedural or substantive defect. The Two Bills, Act 39 and Act 40, were signed into law in July of 2008 and took effect on January 1, 2009. These bills allow a person to file an appeal many years after a decision was entered or an ordinance was adopted, rather than within 30 days, as provided under the “old” version of the MPC. Chairman Voltz suggested that this matter be tabled and discussed in Executive Session. In the meantime, Mr. Piersol will contact PSATS to see what their position is on this issue.

Guthriesville General Store Building – Partial Demolition Permit & Renovation Update

Mr. Piersol and Claudio DiGiamberardino, owner of the Guthriesville General Store and the Brandywine General Rental Building, met approximately one month ago to discuss renovation of the buildings. Building Inspector Jeff Cantlin also met with Mr. DiGiamberardino to discuss connection to the Guthriesville Sewer System. Mr. Piersol and Mr. Cantlin are concerned that a lot of the work is being done piecemeal. The Township has put a halt to construction on the site until Mr. DiGiamberardino submits a building permit for both buildings and they are approved by the Building Inspector.

The Municipal Authority will be discussing these properties at their August 11th meeting with relation to sewer connection and tapping fees. Mr. Piersol said that Mr. DiGiamberardino will need to contact PennDOT about a highway occupancy permit, but can't do that until he knows the use for the property.

The Historic Commission will meet Wednesday, August 12, 2009 at 7:30 P.M. to review the application of Claudio DiGiamberardino to demolish a portion of the Guthriesville General Store. Demolition is limited to the back porch and deck. The Historic Commission will provide their recommendations to Zoning Officer Al Giannantonio, who will then approve or deny the permit. Chairman Voltz asked if Mr. DiGiamberardino was doing a demolition or a renovation. Mr. Piersol said that he was doing both.

Bondsville Mill Roof Project

Mr. Carl Walker, appeared on approval of the Bondsville Mill Committee, approached the Supervisors to request additional funding to complete the roof project. Mr. Walker provided several telephone quotes for Supervisor's review.

1. Glenwood Metals	24 gauge metal roof	\$5,000.00
	29 gauge metal roof	\$4,000.00
2. Gary Terry	24 gauge metal roof	\$4,400.00
3. Tigue Lumber	24 gauge metal roof	\$3,677.00
4. A.B. Martin	24 gauge metal roof	\$3,197.32

The Board had previously set aside \$2,200.00 for this work. Vice-Chairman Kirkner asked if there would be additional costs associated with the roof construction. Mr. Walker said that funds would be needed for 60 feet of gutters plus hangers. He estimates that cost to be approximately \$200.00. Chairman Voltz made a motion to approve the expenditure and accept the A.B. Martin bid with a total cost not to exceed \$3,852.00, from the General Fund to complete the roof project. Mr. Fischer seconded the motion with all voting Aye.

Notice – The East Brandywine Township Board of Supervisors will meet in Executive Session following this meeting to discuss 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.

East Brandywine Township Board of Supervisors

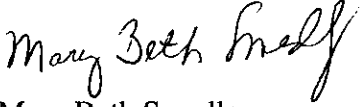
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Adjournment

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 8:25 A.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Beth Smedley".

Mary Beth Smedley
Secretary/Treasurer