

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, August 19, 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, August 19, 2009 was called to order by Chairman Voltz at 7:30 P.M. at the East Brandywine Township Municipal Complex. Also in attendance was George Holmes, the Milemarker Editor, Open Space Chairman Robert Long, Historical Commission Chairman John Black and approximately 30 other visitors.

Opening of Meeting

Chairman Voltz opened the meeting with a Salute to the Flag.

Public Comment for Non-Agenda Items

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

Commendation – East Brandywine Youth Association A's

The 2009 East Brandywine Youth Association 12U Tournament Team beat the four time Pennsylvania State Champions, Springford to capture the 2009 Cal Ripken Pennsylvania State Championship. This is the first time any EBYA baseball team has won the State Title. The Board of Supervisors and Mr. Piersol presented commendations to the following team members and coaches and congratulated them on a job well done.

Team members A.J. Catanese, Frank Chubb, Spencer Cobb, Alex Jankowski, Josh Joyner, Josh Marcelli, Jimmy McNeil, Gavin Roselli, Calvin Sparhawk, Toby Welk Brendan Woodward, Tyler Zuraski, Head Coach Tony Jankowski, and Assistant Coaches Brian Roselli, Mike Siegl and Vince Welk. Congratulations to all!

Minutes: Board of Supervisors – July 15, 2009

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 July 15, 2009 minutes as presented. Mr. Fischer seconded the motion, with all voting Aye.

Minutes: Board of Supervisors – August 6, 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 August 6, 2009 minutes as presented. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Minutes: Planning Commission – August 5, 2009

Chairman Voltz asked if there were any additions or correction to the August 5, 2009 Planning Commission Minutes. There were none. Vice-Chairman Kirkner moved to approve the minutes as presented. Mr. Fischer seconded the motion, with all voting Aye.

Treasurer's Report

Mrs. Smedley read the account balances as of August 19, 2009. Vice-Chairman Kirkner asked Mr. Piersol if the insurance claim had been submitted for the June lightning strike. Mr. Piersol said that we are waiting for a few more invoices and then it will be submitted. After review of the report, Vice-Chairman Kirkner made a motion to approve the Treasurer's Report and authorize payment of bills. Mr. Fischer seconded the motion, with all voting Aye.

Report: Township Manager's Report

Mr. Piersol advised the Board that the County Board of Assessment Appeals has approved the Township's request for tax exemption of the four parcels of the White Acres Farm purchased last month. Normally, the Township is required to attend a hearing before the Appeals Board to justify our request. Since the site is located along the Brandywine Creek, is adjacent to the Struble Trail, and that these properties would be open to public use for fishing, hiking or picnicking without further modification, they waived the need for a hearing on the matter. We are in the process of obtaining signage acknowledging the support from the County Commissioners, DCNR and the taxpayers of East Brandywine Township for this acquisition, as required by the grant programs.

The Board of Supervisors will consider two resolutions authorizing the acquisition of a conservation easement and trail easement across the Forge Hill property located at the intersection of Dowlin Forge Road and Creek Road. This 36-acre parcel had been proposed for a 13-lot residential subdivision. Natural Lands Trust has secured a grant from the County Commissioners in the amount of \$400,000.00 for this acquisition, which is located adjacent to the White Acres Farm on Creek Road.

PECO recently submitted its application to modify its electric service rate tariff, which is an initial step in the rate change program which the company announced last year. Mr. Piersol has been trying to obtain information from PECO on this process to better prepare our residents and business owners on what to expect when the new rates become effective on January 1, 2011. PECO is currently forecasting rate increases of between 10% and 15%, but will not know what the actual percentage increase will be until the fall of 2010 when the PUC renders their decision in this matter. We hope to provide updates in our newsletter as they become available.

The Western Chester County Regional UCC Appeals Board will meet here at 7:00 PM on August 31st to begin the organization process of its members, discuss its 2010 Budget and review the draft By-Laws proposed by the Executive Board. This joint municipal effort will provide a panel of qualified individuals to hear requests for variances from the requirements of the Uniform Construction Code, also known as the Building Code, remove the need for each member municipality to have its own appeals panel, and streamline the administrative process and control costs. This process has taken over two years to sort out, and Mr. Kirkner and Mr. Piersol have been involved with this process since its first discussion. The final details should be resolved by year end, in time to begin operation in January of 2010. It appears we will have fifteen member municipalities in this group.

Mr. Piersol and Mr. VanLew recently met with engineer Sandra Martin to discuss the proposed replacement of County Bridge #244 on Hadfield Road east of Zynn Road. The bridge is currently posted with a weight limit of 12 tons. It is suspected that there are vehicles crossing the bridge due to the East Reeceville Road bridge closure which exceed this restriction, and the Township has asked the Police Department to be aware of this issue. The bridge replacement will include widening of Hadfield Road on the two approaches to at least 24 feet in width. Adjacent property owners have been notified of the plan since they will be asked to provide easements for the widening. A public meeting to discuss these plans will occur in 2010. The actual construction will not occur until funding is available, likely in 2012. This will allow the Township to plan for improvements to Hadfield Road, similar to the bridge project in the late 1990's for the other County bridge on Hadfield Road near Bondsville Road.

The review of the final draft of our Comprehensive Plan review has been completed by the County Planning Commission; we received their comments Monday, August 17th. We have also received review letters from Caln Township and Upper Uwchlan Township, two of the six adjacent municipalities the plan draft was sent to for their review and comment. Pending the comments from the Ordinance Task Force during their meeting on August 25th, Mr. Piersol requested that the Supervisors authorize by motion advertisement of the public hearings required to consider the revisions to the Comprehensive Plan before the Planning Commission at their regular public meeting on September 2nd, and before the Supervisors at their public meeting on Wednesday, September 16th. Mr. Fischer made a motion to advertise a public meeting for the Planning Commission to discuss the Comprehensive Plan at their September 2nd meeting and the Board of Supervisors to discuss the plan at their September 16, 2009 meeting. Chairman Voltz seconded the motion, with all voting Aye. Mr. George Holmes requested that the public meeting be advertised on the Township web site once the dates are finalized.

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

Mr. Piersol read the Building Inspector/Zoning Officer's Report for July, 2009. In July there were thirteen permits issued, four zoning permits, fourteen use and occupancy permits issued, and sixty-three inspections conducted during the month. The total fees collected were \$4,093.00.

East Brandywine Township Police Chief's Report

Police Activity Report – July 2009

Incidents Reported	194
Criminal Arrests	5
Summary Arrests	9
Accidents Investigated	5
Traffic Citations Issued	175
Warnings Issued	32
Vacation House Checks	97

Sgt. Gene Babetski has requested tuition reimbursement per Section 1.6 of the Police Contract. He will be attending Capella University in their Criminal Justice Bachelors program beginning in September.

Report: Fire Company's Activity Report for July 2009

Mr. Piersol read the Activity Report for the month of July 2009, as submitted by Fire Chief Michael Conlan. There were sixty-nine total incidents. In East Brandywine Township there were ten fire calls and nineteen QRS calls. In West Brandywine Township there were eight fire calls and twenty-three QRS calls. The Fire Company provided assistance in Wallace Township, Uwchlan Township and Honeybrook Township.

The July Chicken Barbeque was another successful fundraiser for the Fire Company. The next Chicken Barbeque will be held on Saturday, September 19th from 4 to 7 P.M. Tickets are \$10.00.

Resolutions:

Resolution 16 of 2009 – Placement of Conservation and Trail Easements at Creek Road and Dowling Road

Resolution 17 of 2009 – Acquisition of Conservation and Trail Easements from Pine Hill Associates, Inc.

Mr. Piersol explained that Resolution 16 of 2009 allows the expenditures of funds for the conservation and trail easements and Resolution 17 of 2009 authorizes the Township Manager and Solicitor to finalize the transaction. The easements will be funded partially by the Open Space Referendum fund and partially by a \$400,000 grant that have been approved by Chester County.

Natural Lands Trust has been working with the principals of Pine Hill Associates, Inc. for the past year on this project. Mr. Bob Long, Chairman of the Open Space Committee said that this property has been on the meeting agenda since last fall. Most of the issues before the Committee regarding this property have been resolved. The Committee was concerned about allowing an additional dwelling on the property, but after reviewing the location of the building their

concerns have been assuaged. Since the easement acquisitions have been primarily negotiated by Natural Lands Trust, rather than the Open Space Committee, it is Mr. Long's recommendation that a special meeting be held so that the Committee can affirm their recommendation to proceed with the acquisitions.

Mr. Holmes asked if the acquisitions were previously discussed by the Supervisors in a public meeting. Mr. Piersol said that it was discussed at the July 15th Regular Meeting.

Chairman Voltz asked if there were additional questions about the above Resolutions. There were no questions. Chairman Voltz then made a motion to adopt Resolution 16 of 2009 subject to final review and a positive recommendation by the Open Space Committee on or before August 26, 2009. Mr. Fischer seconded the motion, with all voting Aye.

Chairman Voltz made a motion to adopt Resolution 17 of 2009 subject to final review and positive recommendation by the Open Space Committee on or before August 26, 2009. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

New Business – Resignation of Deborah Marshman Planning Commission, Ordinance Task Force and Vacancy Board

Mrs. Marshman resigned her positions from the above Boards effective August 11, 2009 because she has moved from the Township. With regret, Mr. Fischer made a motion to accept Mrs. Marshman's resignation. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

New Business – Appointment of David Dilworth to the Historical Commission

The Historical Commission is recommending that the Board of Supervisors appoint David Dilworth to complete James Tobin's term, which ends in 2013. Mr. Dilworth's family have lived in the Township for more than a century and Mr. Dilworth has lived here all of his life. He has an interest in historical issues in the Township and has previously done research into the deeds for his family's property. Chairman Voltz asked if there were any questions. There were none. Mr. Fischer made a motion to appoint David Dilworth to the Historical Commission. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

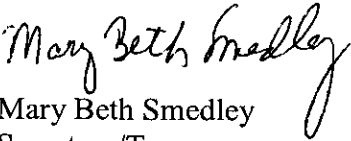
Additional Public Comment

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

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 8:35 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer