

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, September 16, 2009**

Those in Attendance:

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

Absent:

Jay G. Fischer, Member
Matthew T. VanLew, Roadmaster

The East Brandywine Township Board of Supervisors meeting of Wednesday, September 16, 2009 was called to order by Chairman Voltz at 7:35 P.M. at the East Brandywine Township Municipal Complex. Also in attendance were five 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.

Minutes: Board of Supervisors – August 19, 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 August 19, 2009 minutes as presented. Chairman Voltz seconded the motion, with both voting Aye.

Minutes: Board of Supervisors – September 3, 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 September 3, 2009 minutes as presented. Chairman Voltz seconded the motion, with both voting Aye.

Minutes: Planning Commission – September 2, 2009

Chairman Voltz asked if there were any additions or correction to the September 2, 2009 Planning Commission Minutes. There were none. Vice-Chairman Kirkner moved to approve the minutes as presented. Chairman Voltz seconded the motion, with both voting Aye.

Treasurer's Report

Mrs. Smedley read the account balances as of September 16, 2009. Vice-Chairman Kirkner asked Mrs. Smedley whether there would be additional expenses for the roof project at the

Bondsville Mill other than the invoice presented for A.B. Martin. Mrs. Smedley said there shouldn't be additional expenses unless the Bondsville Mill Committee requests additional funds from the Board of Supervisors. Vice-Chairman Kirkner made a motion to approve the Treasurer's Report and authorize payment of bills. Chairman Voltz seconded the motion, with all voting Aye.

Report: Township Manager's Report

We have been advised that PennDOT & Blooming Glen Construction plan to pave East Reeceville Road from east of Bollinger Road to west of Zynn Road. The re-construction of the East Reeceville Road Bridge is nearly complete, and Pulte Homes is currently completing utility work in this area in coordination with this project. PennDOT hoped to re-open the road to traffic during the week of October 5th, but Mr. Piersol was just informed of a grading issue, which may delay this.

The Township, in conjunction with Upper Uwchlan Township, has sent a letter notifying PennDOT that both municipalities disagree with their assertion that the Department vacated the Lyndell Bridge to both Townships in 1971. We have requested a meeting with their representatives to discuss this issue. Both Townships are, however, working on a plan to make more permanent repairs to the concrete bridge deck to allow for the safe passage of motorists over this structure, without accepting responsibility for ownership of the structure.

The Board has requested that Caln Township consider allowing ambulances and emergency medical response vehicles, and school buses to use the East Fisherville Road Bridge on a limited basis. The bridge is currently posted with a 3-ton weight restriction, although the engineer who inspects the bridge has indicated the structure can safely pass an ambulance or similar emergency vehicle. A small school bus is also part of our request. This will further improve the safety of this roadway for our property owners. Mr. Piersol hasn't yet received a response from Caln Township regarding this request.

The Western Chester County UCC Appeals Board began the process of organization at a meeting held here on Monday evening, August 31st. We currently have 14 member municipalities participating, with two additional municipalities still showing interest. Resumes of individuals the municipalities nominate as members of the Hearing Panel to hear appeals from the Building Code are being gathered for review, and the By-Laws are nearing their final draft. The membership will meet on Monday evening, November 30th to finalize the remaining issues, with a goal for this group to be operational January 1, 2010.

East Brandywine Township requested party status with Caln Township on the zoning hearing board application of Sai Temple, Inc. This group wishes to purchase a residential property located at 1100 Osborne Road in Caln Township and use the existing dwelling for prayer services. Religious uses are permitted in residential zoning districts in Caln Township, subject to various requirements based on the extent of the proposed use. East Brandywine Township was very concerned because the application provided little information on which to base an informed decision about this use. Concerns about traffic on a narrow, winding roadway, and possible impacts to adjacent on-lot water and sewage disposal systems were concerns. The applicants were vague in their description of the extent of the proposed religious use during their testimony.

Caln Township's Zoning Hearing Board did grant a conditional approval for the Sai Temple on September 3rd to use the existing dwelling for Hindu prayer services to the 2-3 families who are current members. The temple will need to improve the driveway access for emergency vehicles, provide sufficient off-street parking, and obtain permits from the Chester County Health Department. Based on this information, and the promise that Caln Township will monitor this situation, Mr. Piersol feels that Caln Township has adequately addressed our concerns and will continue to do so.

Mr. Kirkner and Mr. Piersol attended an informational meeting of the Chester County Tax Collection Committee last Thursday evening. This committee was formed by the Chester County Association of Township Officials to address the requirements of creating county-wide, consolidated collection of earned income taxes by 2012, as required by Act 32 of 2008. Each political subdivision and school district in Chester County will have representation on this Committee. This study group did an excellent job of providing information on the process, and has put Chester County well ahead of schedule to implement the requirements of this Act, which will require all employers to report to one tax collection agency. The goal of the Study Committee is to implement these requirements a year early, in January of 2011. The group will meet again on Thursday, November 12th at the Chester County intermediate Unit in Downingtown to discuss and approve a budget and the By-Laws of this organization. Mr. Piersol provided copies of information from the meeting to the Supervisors for their review. He asked if they would forward their comments or questions to him prior to November 12th.

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

Mr. Piersol read the Building Inspector/Zoning Officer's Report for August, 2009. In August there were eighteen permits issued, two zoning permits, ten use and occupancy permits issued, and fifty-four inspections conducted during the month. The total fees collected were \$17,122.80.

East Brandywine Township Police Chief's Report

Police Activity Report – August 2009

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| Incidents Reported | 186 |
| Criminal Arrests | 5 |
| Summary Arrests | 11 |
| Accidents Investigated | 8 |
| Traffic Citations Issued | 233 |
| Warnings Issued | 43 |
| Vacation House Checks | 91 |

Sgt. Gene Babetski has completed Crisis Intervention Specialist training and the entire Department has completed 2009 Firearms Training.

Report: Fire Company's Activity Report for August 2009

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

The next Chicken Barbeque will be held on Saturday, September 19th from 4 to 7 P.M. Tickets are \$10.00.

The Fire Company's annual Fire Prevention Open House will be held Wednesday, October 7th from 6:00 P.M. to 9:00 P.M.

Subdivisions: Hillendale Extension

The Planning Commission is recommending that the Board of Supervisors accept an extension to review this subdivision application until December 31, 2009. Mr. Kirkner made a motion to accept this extension. Chairman Voltz seconded the motion, with all voting Aye.

Public Hearing – East Brandywine Township Comprehensive Plan

At 7:52 P.M. Chairman Voltz closed the regular meeting and opened the Public Hearing to discuss the Comprehensive Plan.

Mr. Piersol explained that in August of 2005 the Township started the process of reviewing and updating the existing Comprehensive Plan, which was adopted in 1987. Through the generosity of the Chester County Commissioners the Township was able to receive a \$25,000.00 Vision Partnership Program grant. Ultimately, the Township was able to secure an additional \$25,000.00 grant for the Master Development Strategy for the Village of Guthriesville with technical assistance from Jim Hartling of Urban Planners. Mr. Piersol stated that the final product was the result of the hard work and dedication of the Township's Ordinance Task Force, Township Engineer Al Giannantonio and Comprehensive Plan Consultant, David Sweet.

Chairman Voltz entered the following exhibits into the record:

1. March 17, 2009 correspondence from Scott Piersol to the Chester County Planning Commission requesting the Vision Partnership Program Review.
2. The Chester County Planning Commission's Vision Partnership review.
3. July 6, 2009 correspondence to Uwchlan, West Brandywine, Caln, East Caln, Wallace, Upper Uwchlan Townships and the Downingtown Area School District inviting them to comment on the draft Comprehensive Plan.
4. July 7, 2009 correspondence to the Chester County Planning Commission requesting the Act 247 review.
5. The Act 247 Referral Form.
6. The Chester County Planning Commission's 247 review.
7. Upper Uwchlan Township's comments.
8. Caln Township's comments.
9. August 27, 2009 Public Notice.

10. Excerpt from the September 2, 2009 Planning Commission Meeting.
11. September 14, 2009 correspondence from residents David Dangle and Sam Byrd.
12. Resolution 18 of 2009.

Chairman Voltz asked if there were Supervisor comments. Vice-Chairman Kirkner said that he was satisfied with the Comprehensive Plan as submitted. He did remark that the Planning Commission has recommended that the Board form a committee to assist with traffic issues and he wondered if the Township could simply use the Traffic Committee that advised on Act 209 issues. Vice-Chairman Kirkner also thanked Mr. Piersol and the Ordinance Task Force for their efforts. Chairman Voltz stated that he was the Board's liaison to the Traffic Impact Committee and he would be willing to send out an inquiry to the Committee members to take a look at those issues.

Chairman Voltz said that the Township has been aggressive in dealing with developers, as evidenced by adopting traffic impact fees. In addition, it is hoped that a developer or developers will partner with the Township in developing the Guthriesville Master Plan, assisting with traffic issues and revitalizing the Village.

Chairman Voltz opened the meeting to public comment.

Mr. Wade Walton, an East Reeceville Road resident said that he made a few comments at last week's Planning Commission meeting. He went on to say that he is glad there is a plan, but is concerned about the proposed East Reeceville Road extension. Mr. Walton doesn't think the plan takes into account the current riding population and traffic counts. He said that work on the plan was started in 2005 at the height of the real estate boom and the Township should reassess their projections based on current economic conditions. As far as traffic concerns, it is Mr. Walton's opinion that driving during peak times isn't that bad; minor traffic delays don't warrant a by-pass at this time. Rather, he suggested that the Township should lobby PennDOT for mass transit solutions. Mr. Walton went on to discuss his concern about the amount of failed commercial space in nearby municipalities, using a recently closed coffee shop in Downingtown Borough as an example. He also said that the survey sent by the Township indicated that 70% of residents think there is an adequate amount of commercial properties in the area. He suggested that Guthriesville should be more pedestrian friendly and would rather see funds put into the Village rather than for a loop road.

Chairman Voltz explained in order to revitalize the Village it was suggested by the Township consultants that Guthriesville be pedestrian friendly. In order to achieve that goal, businesses should be located near crossroads and also have sidewalks. Unfortunately, there isn't sufficient room for sidewalks facing Rt. 322, so the plan calls for reorienting the Village to the south of Rt. 322 and providing access via East Reeceville Road. Chairman Voltz asked Mr. Walton what time he uses Rt. 322. Mr. Walton said he generally is on the road at about 8:15 A.M. and he doesn't think traffic is too bad at that time.

Chairman Voltz commended Mr. Piersol and the Ordinance Task Force for the work they have done. He then asked if there were additional public comments.

Mr. Piersol said that the Comprehensive Plan is a guidance document only and is not enforceable. The plan is what could occur, not necessarily what will. The plan takes into account the need for traffic relief and also attempts to define where the Village is located. Mr. Hartling from Urban Planners did discuss how pedestrian unfriendly the Village is and also discussed installing sidewalks along Rt. 322 since they would be dangerously close to the road. Mr. Piersol also echoed Chairman Voltz's comment that any long-term plan could only be successful with the help of a developer.

Chairman Voltz said that Act 209 required the Township and Traffic Impact Committee to define an objective. The objective for the Committee was to discuss alternatives to alleviate traffic congestions along Rt. 322, whether it takes place by constructing a loop road, widening Rt. 322 or installing additional traffic lights.

Ms. Martha Dalrymple from East Reeceville Road said that the part of the plan she finds most alarming is that the concept plan for road improvements shows the loop road going through several properties. She said she wouldn't want to see properties taken from owners who weren't willing.

Chairman Voltz asked if there were additional questions or comments. There were none.

Chairman Voltz then closed the hearing at 8:17 P.M.

Resolutions: Resolution 18 of 2009 – Adoption of the East Brandywine Township Comprehensive Plan

Vice-Chairman Kirkner made a motion to adopt Resolution 18 of 2009. Chairman Voltz seconded the motion, with both voting Aye.

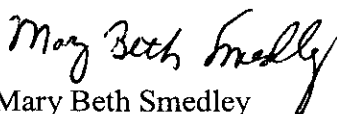
Additional Public Comment

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

Adjournment

There being no further business, Vice-Chairman Kirkner made a motion to adjourn the meeting. Chairman Voltz seconded the motion, with all voting Aye. The meeting was adjourned at 8:22 P.M.

Respectfully submitted,


Mary Beth Smedley
Secretary/Treasurer