

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, December 16, 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
Mary Beth Smedley, Secretary/Treasurer

Absent:

Mark D. Kocsi, Chief of Police
Matthew T. VanLew, Roadmaster

The East Brandywine Township Board of Supervisors meeting of Wednesday, December 16, 2009 was called to order by Chairman Voltz at 7:30 P.M. at the East Brandywine Township Municipal Complex. Also in attendance were seven visitors.

Opening of Meeting

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

Announcement

Chairman Voltz announced that the East Brandywine Township Board of Supervisors met in Executive Session with their legal counsel earlier today to discuss personnel issues.

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 – November 18, 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 November 18, 2009 minutes as presented. Mr. Fischer seconded the motion, with all voting Aye.

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

Minutes: Planning Commission – December 2, 2009

Approval of the Planning Commission Minutes was deferred until the January 20, 2010 Board of Supervisors meeting.

Treasurer's Report

Mrs. Smedley read the account balances as of December 16, 2009. 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

The Bondsville Mill Committee has been working with Rettew & Associates for the past several months on a draft Master Site Plan for the Bondsville Mill site. Through these meetings, a series of sketch plans was developed identifying potential future uses for the site. The Mill Committee has scheduled a public meeting for Monday evening, January 25, 2010 at 7:00 P.M. The purpose of this meeting is to solicit comments and input from the residents, particularly those whose properties are adjacent or near the Mill property, about the draft plan. The Township will be mailing letters to those property owners near the mill site, inviting them to this meeting. An article in the winter newsletter is pending, and Mr. Piersol hopes to engage the Daily Local News to help publicize this meeting. Input into this plan is critical for its future success, and all residents, not only those near the Mill property, are invited to attend.

The Historical Commission has revised its list of additional Class I and Class II resources to be added to the Zoning Map, which is presently being prepared for submission to the Chester County Planning Commission for its review. The Supervisors considered this in May of this year, but tabled their final consideration due to several concerns expressed prior to and during the meeting. Revised letters will be sent to those property owners, advising them of the revisions, and the anticipated consideration of these changes. The Board of Supervisors is scheduled to consider these additions to the Historic Resources Map at their February 17, 2010 public meeting.

With the holiday season upon us, Mr. Piersol recommends that everyone be more vigilant to safety in their homes and at work. Monitoring the water needs of live Christmas trees, placement of candles and other decorations away from flammable materials and inspecting indoor and outdoor lights and decorations for damaged cords, are just some of the safety recommendations we ask all to consider to keep this holiday season safe. The Supervisors, Township staff and Police Department wish one and all a very Merry Christmas, and a safe and prosperous New Year. Mr. Piersol also asked for thoughts and prayers for our troops serving around the world, and those men and women in this country, who keep us safe every day.

Report: Roadmaster's Report

Presentation of the Roadmaster's Report has been deferred until January.

Report: Building Inspector/Zoning Officer – Report for November, 2009

Mr. Piersol read the Building Inspector/Zoning Officer's Report for November, 2009. In November there were twenty-three permits issued, five zoning permits, seven use and occupancy

permits issued, and seventy-nine inspections conducted during the month. The total fees collected were \$14,849.30.

Minutes: Park and Recreation Board

Next year's "Family Day in the Park" will be held Saturday, May 22, 2010 from 1 P.M. to 5:30 P.M. The Board is scheduling new activities that will include tethered balloon rides, additional crafters and a band.

The Park and Rec Board's annual golf outing "Fore the Park" will be held at the Applecross Country Club in 2010, probably in September or October.

East Brandywine Township Police Chief's Report

Police Activity Report – November 2009

Incidents Reported	158
Criminal Arrests	5
Summary Arrests	3
Accidents Investigated	12
Traffic Citations Issued	158
Warnings Issued	29
Vacation House Checks	10

Vice-Chairman Kirkner reported that the Police Department recently had a monitoring visit from the Pennsylvania Commission on Crime and Delinquency and was commended for their record keeping.

Report: Fire Company's Activity Report for November 2009

Mr. Piersol read the Activity Report for the month of November 2009, as submitted by Fire Chief Michael Conlan. There were fifty-two total incidents. In East Brandywine Township there were four fire calls and seventeen QRS calls. In West Brandywine Township there were four fire calls and nineteen QRS calls. The Fire Company provided assistance in Wallace Township, Caln Township, Valley Township, the City of Coatesville, West Chester Borough and Oxford Borough.

Hillendale

The Planning Commission is recommending that the Board of Supervisors accept an extension of the final plan approval until December 31, 2010. Mr. Fischer made a motion to accept this extension. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Caspar Zoning Hearing

The East Brandywine Township Zoning Hearing Board is scheduled to meet on Monday, January 18, 2009 at 7:30 P.M. to hear the application of John Caspar. The Application is for relief necessary to construct a deck to be attached to an existing house located at 525 Hopewell Road in the R-2 Residential District. A variance is required from the requirements of the Township Zoning Ordinance applicable to minimum front yard setback and a special exception and a variance to enlarge and extend a nonconforming structure on a nonconforming lot.

The owner of the parcel is Sarah Caspar. The property is located at the southeast corner of the intersection of Hopewell Road and Corner-Ketch Road. The property currently contains a single family dwelling with a detached garage with driveway access from Hopewell Road, a new deck with privacy fencing, a lawn area and trees.

Chairman Voltz said that the Planning Commission minutes indicate that the fence Mr. Caspar installed might be more than 6 ft. in height. Mr. Caspar said that it might appear higher because of the terrain, but once topsoil and landscaping is done, it will meet the Township's height requirements.

Mrs. Caspar has lived at her residence for thirty-one years. Since she has decided she wants to continue residing in her home, her son relocated her bedroom to the main floor and extended the front porch with a deck to provide her with more living space. Mrs. Caspar has some difficulty with mobility and she spends a great deal of time in the new bedroom and on her porch and deck, where she can tend to her plants. According to the applicant, construction of the fence eliminated some of the ground cover and weeds, which was becoming difficult for Mrs. Caspar to maintain. Construction of the deck also provided her with more usable space since the area where the deck is located is sloped and she wouldn't be able to access it. The fence cuts down on noise from Hopewell Road and Corner Ketch Road, and also affords Mrs. Casper some privacy.

Mr. Caspar did contact PennDOT and they provided information that the fence and deck are not encroaching in the road right-of-way, and there is no infringement of the sight line.

Mr. Caspar said that the deck footings are poured concrete piers. The footings were inspected by the Township's Building Inspector, Jeff Cantlin. Although the footers passed inspection, the permits can't be approved unless the Zoning Hearing Board renders a favorable decision.

After review of the application, the Board of Supervisors unanimously supported the variance requests.

Verma Zoning Hearing

The East Brandywine Township Zoning Hearing Board is scheduled to hear the application of Lalit Verma who is requesting variances from Section 399-14.C(1), Sections 399-99.A(2), 399-40.B, 399-104, 399-123.B and 399-108 A(2) of the Zoning Ordinance. The applicant wishes to demolish a structure on the property and construct a four unit residential building. The property is located southeast of the intersection of Horseshoe Pike and Hopewell Road and is in the Village Commercial District. The property contains two Class II Historic structures, driveway access from Horseshoe Pike, lawn area and trees. Each building currently contains two residential dwelling units for a total of 4 units. The plan proposes a total of six dwelling units

where four presently exist. Mr. William Steimer, architect for the applicant, attended the meeting on behalf of the applicant.

Mr. Steimer explained that one of the structures can't be restored and is in danger of collapse.

The plan shows 12 parking stalls, two of which are designed as handicapped spaced. The Ordinance requires 14 stalls. At their December 2nd meeting, Planning Commission members expressed concern with parking, particularly since there is no on-street parking in the vicinity. Mr. Steimer said that one of the challenges is that there is a sewer easement on the property. Mr. Fischer said he assumed Mr. Verma approved the easement being placed there.

The Planning Commission supported creating six units if the applicant can provide a parking plan that is acceptable to the Township and PennDOT. The Board suggested that Mr. Verma contact the adjoining property owner about purchase of land. Mr. Steimer said Mr. Verma has had discussions with the property owner in the past, but they couldn't reach an agreement. The Board of Supervisors then suggested that Mr. Steimer provide two additional spaces so that a variance from Section 399-108.A(2) isn't needed. Mr. Steimer agreed to revise the plan and provide two additional parking spaces.

The plan will be revised to note that the property will be served by public water and sewerage facilities. The applicant should determine whether additional public sewer capacity is available for the proposed plans. Mr. Steimer will contact the Municipal Authority to discuss this.

The Planning Commission has asked that sprinklers be installed since the building will have a separation of less than 15 feet. Mr. Steimer wants to reference the code. Mr. Piersol explained that it wasn't a code requirement, but the Township has the right to request certain reasonable conditions. Mr. Fischer said that normally, on separate properties, the Township doesn't allow structures to be closer than 15 ft. and the comment is likely related to that requirement.

After review of the application, Chairman Voltz made a motion to support the zoning application with the addition of two more parking spaces, for a total of 14, and a minimum separation distance of at least 15 ft. between the buildings. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Resolution 21 of 2009 – Asset Smoothing for the Non-Uniform Pension Plan

This Resolution allows the Township to use a five-year smoothing method to determine the actuarial value of assets, effective with the January 1, 2009 actuarial valuation, whereby the market value of assets is adjusted with gains and losses over the prior five years. This Resolution has been recommended by the Township's actuary and the plan administrator. Mr. Fischer made a motion to adopt Resolution 21 of 2009. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Municipal Waste Bids – Award Contract

Mr. Don Isabella from Allied Waste Services said that it is his opinion that the bid specifications were written to give an unfair competitive advantage to one of the bidders. He said that since one of the contractors is currently disposing of the commingled recyclables for the Township they have information of the cost associated with this and it makes it very difficult for other waste haulers to provide competitive bids. He suggested that the Board reject the bids.

Mr. Piersol said that he disagreed with Mr. Isabella's assertion. He said that the Township can direct recycling to any facility of its choice. In the past 5 years commingled recycling has gone to four different contractors at three sites, and the Township can change the designated site at any time to a recycling center within a 25-mile radius of the Township. Mr. Piersol also provided all bidders with information on the Township's recycling that was compiled over the past five years in order to assist them with preparing their bids.

Mr. Isabella said that the contractor was able to reduce costs because they are receiving the value of the cardboard. Mr. Fischer pointed out that alternatively, since the Township can always decide to use another center, this could work against the contractor. Mr. Isabella was asked if his company had a recycling center. He said they do. It was noted that his company didn't bid on Option #2, where the contractor is responsible for disposition of the commingled recyclables and the Township retains title to the paper and cardboard, and directs it to the recycling facility of its choice.

Mr. Matt Parlett from 271 Corner-Ketch Road said that although Mr. Isabella's point may be valid there is a business risk for both bidders. He asked if the Township periodically solicited prices for recycling. Mr. Piersol said he usually does it every six months.

Mr. Jim Clark from A.J. Blosenski pointed out that the municipality owns the product. His company has to take the recycling product wherever they are directed. He also pointed out that Mr. Isabella's company didn't bid on Option #2.

The Supervisors declined to reject the bids.

Mr. Piersol and Mr. VanLew reviewed the proposals and found that the proposal from A.J. Blosenski met all the criteria from the specifications. They are recommending that the Board of Supervisors award the contract to A.J. Blosenski, Inc. under Option #2. They also recommended that the Board decline to accept Option #3 for the yard waste collection.

Vice-Chairman Kirkner made a motion to award the contract to A.J. Blosenski under Option #2 for a period of five years, with collection remaining on Tuesdays. Mr. Fischer seconded the motion, with all voting Aye.

2010 Final Budget

General Fund - Revenues

During the past month, we have made a few adjustments to the proposed 2010 Budget. We continue to expect to see a small increase in revenues during 2010 as the economy slowly recovers as expected. 2009 revenues continue to remain basically on target as projected as we approach the end of 2009. To cover the increase in the landfill costs, the contractor's anticipated collection fee for a new contract, an additional supply of recycling containers, and beginning the work for a composting site, our Budget Committee recommended a \$20 increase in the trash & recycling fee to \$235.00. This fee remains comparable to most municipalities in our area. An increase in the Township real estate tax rate of ¼ mill is proposed to take the rate to 2.75 mills for 2010.

Building permit fees are expected to increase slightly from 2009 with the start of Phase II of the Applecross development. The Township took a conservative approach to permit fees for 2009, due to the economy. The School District's current projected timeline for a construction start of the middle school is in late Fall, although we did not include this project in our 2010 projections.

Revenues from all sources, including inter-fund transfers, are projected at \$4,429,006.00, with an anticipated year-end General Fund cash balance of approximately \$20,000.00.

General Fund - Expenses

Public safety costs will decrease by nearly \$88,600.00 in 2010, most of this in the area of police protection, which decreased over \$90,000 from the 2009 budget figure. Public safety accounts for 36.5% of the Township's annual budget. Mr. Piersol said that he appreciates Chief Kocsi's hard work identifying areas where cuts could be made.

Engineering fees for land development project reviews will continue as a significant expense in 2010 with the Applecross project and the DASD Middle School land development plan review. Expenses for building inspections will increase due to anticipated increased activity in this area. These expenses are covered by the building permit fee income.

Replacement of the McCausland Hall roof is projected for 2010, deferred in 2009. Other maintenance for this portion of our facility will be deferred and considered for the 2011 budget.

We received accurate figures for the liability, automobile and workman's compensation insurance package, as well as the health insurance premiums, which were less than originally anticipated. The municipal waste and recycling contract bid was also less than anticipated.

Reconstruction of Hopewell Road will be bid in 2010, with costs shared with the State Fund. The allocation from the General Fund for this project is \$60,000.00.

Total expenses are projected to be \$4,369,973.00. A capital reserve allocation is anticipated in the amount of \$79,033.00.

State Fund - Revenues

The State Fund Report did not change from the Preliminary Budget presentation. A slight decrease in the State Liquid Fuels allocation is expected again in 2010. Income is projected to be \$146,500.00. The year-end State Fund balance is anticipated to be approximately \$110,000.00.

State Fund - Expenses

One of the two road projects will be deferred until 2011. The State Fund will allocate \$135,000.00 of the anticipated \$195,000.00 cost for the Hopewell Road reconstruction project.

Total State Fund expenses, including a capital reserve allocation of \$46,700.00, are anticipated to be \$257,700.00.

Chairman Voltz asked if there were any questions. There were none. Vice-Chairman Kirkner made a motion to adopt the 2010 Budget. The General Fund Budget is \$4,449,005.86 and the State Budget is \$257,700.00. The Township millage rate for 2010 will be 2.75 mills and the trash and recycling fee will be \$235.00 per year. Mr. Fischer seconded the motion, with all voting Aye.

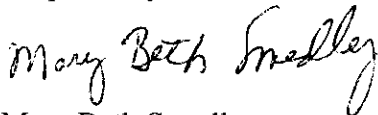
Additional Public Comment

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

Adjournment

There being no further business, Vice-Chairman Kirkner made a motion to adjourn the meeting. Mr. Fischer seconded the motion, with all voting Aye. The meeting was adjourned at 8:55 P.M.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer