

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, May 19, 2010

Those in Attendance:

David A. Kirkner, Chairman
Jay G. Fischer, Vice-Chairman
Hudson L. Voltz, 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 Wednesday, May 19, 2010 was called to order by Chairman Kirkner at 7:30 P.M. at the East Brandywine Township Municipal Complex. Also in attendance were George Holmes, the Milemarker Editor, and John Black, James Buczala and Linda Morrison from the Historical Commission. There were five visitors present.

Opening of Meeting

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

Public Comment for Non-Agenda Items

Chairman Kirkner asked if there were comments on non-agenda items. Mr. Joseph Malaczewski and Ms. Martha McMakins from 112 Briarwood Drive attended the meeting to discuss the "goose cannons" that are being used on the Dilworth Property. Mr. Malaczewski said that he has contacted Mr. Piersol about this issue who explained that Mr. Miley, who is farming the Dilworth property, is permitted to set off the cannons because it is an agricultural use. Although Mr. Malaczewski agrees that Mr. Miley has the right to protect his crop, the constant sound is a nuisance to his family and neighbors in the Cross Keys Development.

The cannons are propane-power devices which are designed to scare geese who are looking for food to eat by emitting a shot-gun like noise during daylight hours, which is when the geese fly over and see the food source. These devices should be in use for the next 7 to 14 days, or until the corn sprouts grow further; they fire approximately every 20 minutes. In addition to contacting Mr. Miley, Mr Piersol contacted the Penn State Extension Service in West Chester, who advised that these are an approved device to keep the geese from destroying these crops. The Township noise ordinance does permit this type of use for agricultural purposes. The devices can't be used before 6 A.M. or after dusk.

Mr. Piersol visited the farm earlier in the day and described the sound as a loud pop. Ms. McMakins said that it could be heard in her home with the windows shut and the shower running. She said that hearing it constantly for hours was very annoying.

Ms. McMakins asked if someone who simply had a garden in their back yard could use one of these devices. Mr. Piersol said that it is for agricultural use only and the County and State consider ten acres to be the minimum for agricultural use. Ms. McMakins said that she has been

investigating other ways to deter geese, without becoming a nuisance to nearby residents. Mr. Piersol asked her to provide him with that information so that he could discuss it with Mr. Miley. He will also discuss the issue of Mr. Miley using heavy equipment at night and parking on their property.

Minutes: Board of Supervisors – April 21, 2010

Chairman Kirkner asked if there were any additions or corrections to the above minutes. There were none. Mr. Voltz made a motion to approve the April 21, 2010 minutes as presented. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Minutes: Board of Supervisors – May 6, 2010

Chairman Kirkner asked if there were any additions or corrections to the above minutes. There were none. Mr. Voltz made a motion to approve the May 6, 2010 minutes as presented. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Minutes: Planning Commission – May 5, 2010

Approval of the May 5, 2010 Planning Commission minutes was deferred until the June 3rd Board meeting.

Treasurer's Report

Mrs. Smedley read the account balances as of May 19, 2010. Vice-Chairman Fischer made a motion to approve the Treasurer's Report and authorize payment of bills, but abstained from voting on check #13414. Mr. Voltz made a motion to approve that check and seconded approving the report, with all voting Aye.

Report: Township Manager's Report

Mr. Piersol and Mr. VanLew attended a seminar provided by PECO Energy on their Smart Energy Incentive Program, which is part of the initiatives the company will provide to comply with PA Act 129, which require energy efficiency programs throughout the State. There are a variety of programs PECO will be providing to help customers improve efficiency in existing and new facilities. Some items which could impact our operations are changing our traffic signals to LED bulbs, which we have done in part, street & outdoor lighting, HVAC & equipment motors, and a variety of equipment. We are waiting for the County's Facilities Department to award their bid for energy audits, which we asked to participate in, so that we can proceed to apply for some of the grant funding PECO will provide toward making these changes. The incentives require the participants to do some of the retrofits identified in the energy audits in order to be eligible for the grant funding. PECO will be announcing other programs designed for the consumer in the near future.

Carl Croft, a member of our Open Space Committee and Planning Commission, recently offered to assist the Township in long-range budget planning. Chief Kocsi, Mr. VanLew and Mr. Piersol will be attending an all-day seminar on Capital Improvement Planning and Financing next week to get some background on this process. We are hoping to identify ways to plan for capital projects, and to catch up on some road improvement projects which were tabled due to budget issues. Mr. Croft assisted us in preparing the 2010 Budget, and was able to identify areas in the budget we could reduce, which was a huge help to our staff.

This past Monday evening, representatives of the Park & Rec Board, EBYA, Supervisor Kirkner, Mrs. Smedley and Mr. Piersol met to discuss creation of a formal policy on Athletic Field and Park Use. With our wonderful park facilities comes more demand from other groups, some from outside the Township. It was apparent that creation of a formal policy was necessary to allow the Township staff to assist with managing the numerous requests they have been fielding, and provide guidelines for the use of the fields. Dave Summers from the Park & Rec Board provided the initial draft, which is now in its fourth revision. Mr. Piersol is hopeful that we can have a final draft completed next week for the Supervisors to consider approving at their June 3rd public meeting.

Our Park and Rec Board has its Family Day in the Park scheduled for this Saturday, May 22nd from noon until 5 PM. A variety of crafters and vendors, tethered hot air balloon rides, moon bounces, pony rides, magic shows, a golf closest-to-the-pin contest, food and many other events are planned for Saturday's event. We are hoping for good weather and a large turnout to our Community Park.

The East Brandywine Fire Company's Kids Festival is scheduled for Saturday, June 12th, again in our Community Park. This event has drawn large crowds and rave reviews as a fun event, with lots to interest young and old, all for a very reasonable \$10 fee per child. We have many businesses and individuals who continue to sponsor this event and make it possible for the Fire Company to continue to control the cost to provide this event, not only as a fundraising event, but to promote community awareness of the Fire Company and their personnel. The event begins at 11:00 AM, and ends at 5:00 P.M. with a rain date of Sunday, June 13th.

Report: Building Inspector/Zoning Officer – Report for April 2010

Mr. Piersol read the Building Inspector/Zoning Officer's Report for April 2010. In April there were eight permits issued, seven zoning permits, six use and occupancy permits issued, and seventy-two inspections conducted during the month. The total fees collected were \$7,031.00.

Report: Roadmaster's Report

The bid package for repairs and overlay to Hopewell Road has been available since May 12th. There was a pre-bid meeting held yesterday for interested bidders. The bid opening is scheduled for May 25th, with the award during the June 3rd Board of Supervisors meeting.

Mr. VanLew recently received an email from Gabrielle Kotke of 200 Highspire Road requesting an all-way stop be placed at the intersection of Highspire and Creek Roads.

In 2001 the Road Department worked with Michael Forrest to cut back the bank on Creek Road, west of Highspire Road, to increase the sight distance. Although this helped it did not increase sight distance that is required for a roadway posted at 35 mph.

This intersection is similar to Hopewell Road, which the Township requested, and was granted, an all-way stop by PennDOT last year.

Mr. VanLew requested the Board's permission to write to PennDOT requesting a traffic study be conducted at this intersection and the proposed all-way stop be installed. Vice-Chairman Fischer made a motion authorizing Mr. VanLew to request a traffic study and all-way stop for the intersection of Creek Road and Highspire Road. Mr. Voltz seconded the motion, with all voting Aye.

Report: Park and Recreation Board

This year's "Family Day in the Park" will be held Saturday, May 22, 2010 from 12 Noon to 5:00 P.M. The Board is scheduling activities that will include tethered balloon rides, additional crafters and a band.

The Annual Golf Outing is scheduled for Tuesday, October 5, 2010 at the Applecross Golf Club, starting at 11:30 A.M.

Report: DARC

Mr. Voltz said that, in the future, the School District will be charging user fees for use of the schools and fields. He expects this to impact next year's DARC budget.

Historic Preservation Award

The East Brandywine Township Board of Supervisors and Historical Commission presented the Township's first Historic Preservation Award to Sarah and Thomas Riddle for the preservation and renovation of their Bank Barn (circa 1803) at 450 Reeds Road. The Supervisors and Historical Commission members offered their congratulations and thanked Mr. and Mrs. Riddle for their commitment to historic preservation in the Township.

East Brandywine Township Police Chief's Report

The Police Department will be participating in both the Day in the Park celebration and the Kids Fest celebration. Officers will be showing the new Police Vehicle and speaking with residents at the Day in the Park and will have a table set up with items to hand out at the Kids Fest.

Police agencies in Chester County have been advised that the County will no longer pay for and provide the traffic and non-traffic citations to agencies. Beginning July 1, 2010 the Police Department will be responsible for ordering and paying for the citations. Chief Kocsi anticipates that the cost will run approximately \$500 a year. This action by the County runs on the heels of the State eliminating the Act 190 funding earlier in the year. Agencies are now responsible for

paying the training fees to maintain certification for officers each year. The cost for certification this year includes two days salary and \$60.00 training fee for each officer.

The Justice Administration Grant project started in January to obtain new ballistic vests for every officer is now complete and officers have received their new vests. The old vests are going to be recycled back to the vendor and a credit is going to be issued to the Police Department for future equipment purchases.

Chief Kocsi read the Police Chief's Report for April of 2010.

Police Activity Report – April 2010

Incidents Reported	167
Criminal Arrests	5
Summary Arrests	5
Accidents Investigated	5
Traffic Citations Issued	177
Warnings Issued	25
Vacation House Checks	75

Report: Fire Company's Activity Report for April 2010

Mr. Piersol read the Activity Report for the month of April 2010, as submitted by Fire Chief Joseph Edwards. There were fifty-eight total incidents. In East Brandywine Township there were eight fire calls and eighteen QRS calls. In West Brandywine Township there were ten fire calls and thirteen QRS calls. The Fire Company provided assistance in Wallace Township, Caln Township, Coatesville, West Caln Township and Honeybrook Borough. There was no estimated fire damage for the month.

Draft Intermunicipal Agreement – Horizontal Grinder

Mr. Piersol provided a draft Intermunicipal agreement for the Board to review. On April 15, 2010 the bids for a Horizontal Grinder were opened at West Brandywine Township. This grinder will be purchased as part of a DEP grant and will be shared with West Brandywine, Caln and West Bradford Townships. East Brandywine Township's initial share is \$47,000, but after the grant will be reimbursed for 90% of that cost. The grinder will enable the Township to turn the mulch we currently collect into a much higher grade of material. After review, Vice-Chairman Fischer made a motion to approve signing the Agreement once the actual cost for the grinder is inserted in the document and page 3 is changed to indicate that the costs will be shared *equally* by the four municipalities. Mr. Voltz seconded the motion, with all voting Aye.

Long Zoning Hearing

The East Brandywine Township Zoning Hearing Board will meet on Tuesday, June 1, 2010 at 7:30 P.M. to hear the application of Bob and Carolyn Long for a variance necessary to extend a nonconforming structure into the required minimum yard setback. A variance is required from Section 399-28.A(4) and 399-124.C of the Township Zoning Ordinance. The property is located at 590 Dilworth Road in the R-2 Residential Zoning District.

Mr. Long explained that he would like to construct an addition to his home that will be 12 ft. from the side yard property line. The existing home is 18 ft. from the line. The Longs plan to install a laundry room, bathroom and living space which may be used as a bedroom in the future. It is Mr. and Mrs. Long's hope that this will enable them to stay in their home as they grow older.

The original portion of the house was built in 1784, with additions in 1902 and the 1950's. Since the portion that was built in the 1950's will be demolished, Mr. Long attended a Historical Commission meeting to discuss his application. They supported Mr. Long's application and indicated that since less than 50% of the outside façade will be removed there is no demolition issue with respect to the Historic Resources section of the Zoning Ordinance.

Mr. Long provided plans showing where his well and septic system are located, as well as where there is a retaining wall. According to Mr. Long, these features would interfere with placing the addition in any other location. Although very close to the property line, the proposed addition is several hundred feet from the neighboring home. The topography of the property does not lend itself to construction of an additional home near the Longs even if the adjacent property were subdivided. Mr. Long has discussed this with the adjacent property owners who have no objection to the Long's variance request. Interestingly, the Long's driveway was once part of Jefferis Road, which extended up to the barn on his property.

After review of the application, Vice-Chairman Fischer made motion to support the Long's request and encourage the Zoning Hearing Board to grant the variance. Mr. Voltz seconded the motion, with all voting aye.

Saleh Zoning Hearing

The East Brandywine Township Zoning Hearing Board will meet on Tuesday June 1, 2010 to hear the application of Raad Saleh for a variance necessary to build a garage in the required minimum front yard setback. A variance is required from Section 399-34.C. of the Township Zoning Ordinance. The property is located at 1 Raleigh Drive in the R-3 Residential Zoning District. The application may be inspected at the East Brandywine Township Building during normal business hours.

Mr. Saleh said that he would like to build his detached garage 62 to 64 ft. from the center-line of the road. Per the Ordinance it should be 75 feet from the center-line of the road. According to Mr. Saleh, this is the logical location since it would be easily accessed from the existing

driveway and his well and septic system are on the other side of the house, which would interfere with placement of the garage.

Mr. Saleh would like to build the garage for storing garden equipment, bikes, kayaks, a car, as well as electronics equipment from his business. He does not plan to install heating or air conditioning. He also said that he has three children who will be driving shortly. One of his children will be getting her drivers' license within the next year and he plans to purchase an additional car. The garage will have two floors, with the second floor being solely for storage. Mr. Saleh also said that he would like to have a work bench because at times he does test electrical equipment for his business.

Vice-Chairman Fischer said that the proposed garage is very large and seems out of character with the existing neighborhood. He said the garage is almost as large as the footprint of the house and is 16 feet tall. Mr. Saleh said that he is agreeable to planting a landscape buffer. Vice-Chairman Fischer said that it would be very difficult to screen a building that large. Mr. Saleh said that he does need more space and is trying to improve his property. The existing attached garage will remain.

Chairman Kirkner asked if the new garage would have rain gutters and downspouts. Mr. Saleh said that it would.

Mr. Voltz's opinion is that the garage is too big and is overbuilt. He would like to be a downsized. Mr. Voltz also said that the garage is very high. Mr. Saleh said he may consider a smaller garage without the second story.

The Planning Commission had some reservations about supporting the application and asked Mr. Saleh to come back with additional information. The Supervisors thought that was a good suggestion. Although the applicant has the right to take his request to the Zoning Hearing Board, both the Planning Commission and Board of Supervisors are unwilling to support the variance request.

After review of the application Vice-Chairman Fischer made a motion to inform the Zoning Hearing Board that the Board of Supervisors did not support the application because of the size and location of the proposed garage. Mr. Voltz seconded the motion, with all voting Aye.

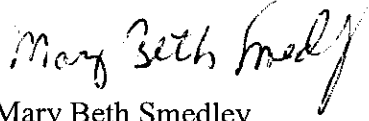
Additional Public Comment

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

Adjournment

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

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer