

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, June 3, 2010**

Those in Attendance:

David A. Kirkner, Chairman
Jay G. Fischer, Vice-Chairman
Hudson L. Voltz, Member
Scott T. Piersol, Township Manager
Stacey Fuller, Esq., Township Solicitor
Mark Kocsi, Chief of Police
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Thursday, May 6, 2010 was called to order by Chairman Kirkner at 7:35 A.M. at the East Brandywine Township Municipal Complex. Also in attendance was George Holmes, the Milemarker Editor and five visitors.

Public Comment for Non-Agenda Items

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

Approval of Planning Commission Minutes for May 5, 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 minutes. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Resolution 10 of 2010 – Athletic Field and Park Use Policy and Procedures

Mr. Piersol said that the Park and Recreation Board met on May 17th to finalize this document that is designed to create a procedure for use and costs of various athletic fields in the Township. Vice-Chairman Fischer said that a lot of work was done by the Park and Recreation Board, EBYA and the Township staff to address all of the issues. Chairman Kirkner and Mr. Voltz said that they thought the issue of political signs was to be addressed in the document. Mr. Piersol will insert that information. With the addition of prohibiting political signs, Mr. Voltz made a motion to adopt Resolution 10 of 2010. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Applecross Public Walking Trail Discussion

Mr. Piersol met with Mr. Mayhew, Mr. Buczala and Sam Carlo, Tom Blair and Bill Creeger from Pulte Homes on May 21st to discuss Mr. Buczala's concerns over the public walking trail located immediately along his property line. The change in location occurred due to the County Conservation District and PADEP requiring Pulte to create an infiltration basin nearby.

During the meeting, they discussed the possibility of shifting the trail further from the Buczala property line. The primary concerns were privacy and two mature spruce trees and their root structure. Mr. Creeger indicated the basin can be tweaked somewhat in the field, plus the trail and proposed landscaping can be flipped so the landscaping would be located between the property line and the new trail location, as suggested by Mr. Voltz. This might move the trail location 8 to 10 feet, which is not out of the drip line of the trees of concern. Pulte promised to take all reasonable measures to relocate the trail as far away as feasible from the Buczala property line, but they will not know how far that will be until the basin work is underway, which is scheduled to begin in early June. At last evening's meeting, the Planning Commission unanimously recommended approval of this compromise plan. Mr. Buczala has seen the plan as well, and appears to be satisfied that Pulte has made reasonable changes.

Vice Chairman Fischer asked if the basin will be shifted. Mr. Piersol said that he wasn't certain, but Pulte will look at tweaking it slightly. Mr. Voltz said that he hoped Pulte could move the trail as much as possible without moving the basin, which they seem to have accomplished. One tree may still be impacted by the trail location. Mr. Voltz made a motion to support the revised trail location as submitted. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Roadmaster Report

Hopewell Road

The following bids were opened last Tuesday May 25th for repairs and overlay to Hopewell Road.

2010 Paving Project East Brandywine Township	
Bid Results	
Contractor	Bid
Dan Malloy Paving Inc. 1060 Boot Road Downingtown, PA 19335	\$146,219.45
Charlestown Paving & Excavating, Inc. P.O. Box 434 Devault, PA 19432	\$182,351.65
S. A. Macanga Paving Contractors 919 Camaro Run West Chester, PA 19380	\$179,640.00
Reading Site Contractors Division of Reading Materials, Inc. 392 Sanatoga Road Pottstown, PA 19464	\$208,787.85

Mr. VanLew and Russell Yerkes reviewed the low bid from Dan Malloy Paving Inc. and agreed that everything is in order. Mr. VanLew requested that the Supervisors accept the bid of \$146,219.45 from Dan Malloy Paving Inc.

The 2010 budget for capital improvements allotted \$60,000.00 from the Township fund and \$135,000.00 from the State Liquid Fuels fund for a total of \$195,000.00. Mr. VanLew expects the total engineering fees to be \$5,000.00 for the project bringing the total project to approximately \$151,000.00 which is \$44,000.00 less than the total budgeted amount. He requested that the Board of Supervisors approve disbursements of \$40,000.00 from the Township General Fund and the balance of approximately \$111,000.00 from the State Fund.

Vice-Chairman Fischer made a motion to award the project to Dan Malloy Paving Inc. and approve disbursements of funds as recommended by Mr. VanLew. Mr. Voltz seconded the motion, with all voting Aye.

Horseshoe Pike/Bondsville/Hopewell Intersection

Mr. VanLew recently wrote to Paul Lutz of PennDOT requesting to make a few changes to the traffic light timing at the Horseshoe Pike and Bondsville Road intersection. The light during the morning and evening rush hour has an extended green on Horseshoe Pike. There was also twenty-two seconds allotted to Hopewell Road and fourteen seconds to Bondsville Road. This timing was fine for the evening rush when most commuters were traveling south on Hopewell Road, but did not work for Bondsville Road in the mornings. We requested, and received, approval to switch the timing in the morning allowing twenty-two seconds for Bondsville Road. This timing change was completed by Signal Service last Friday and Mr. VanLew has noticed the traffic on Bondsville clearing quicker than before. He will continue to monitor the traffic through this intersection to see if there are any other improvements that can be made.

Locust Knoll Groundwater Drainage Issue

On Monday, Mr. VanLew met with five residents from the area of Tradition Lane, Locust Knoll Road and Constitution Drive to discuss groundwater issues in their back yards. The residents are Mr. Shannon, 115 Locust Knoll Road, Mr. Marcocci, 5 Tradition Lane, Ms. Pelzar, 3 Tradition Lane, Mr. Rittenhouse, 116 Constitution Drive, and Mr. Schroeder, 118 Constitution Drive. All of these resident backyards join together. Their rear yards are the drainage area for a large portion of the development. Most of the stormwater in Locust Knoll is designed for overland flow with limited storm sewer. The development also has public water and on-site sewer systems. The residents he met with have all replaced their septic systems with the exception of Mr. Marcocci, who is currently planning to replace it.

Their main concern is they are not able to mow their yards because they are constantly wet. It appears there are numerous springs that are located throughout the rear yards. Mr. Marcocci has an extremely wet area within 10 feet of his garage, with water percolating to the ground which he is going to have tested to see if it is a water leak from public water or possibly from his sewage system.

Mr. VanLew explained to the residents that the drainage issue is considered a property maintenance issue and is the responsibility of each individual property owner. They requested he approach the Supervisors for any assistance the Township may provide.

Mr. VanLew was asked if there had been any modifications to the storm sewer. He said there weren't, but according to the residents there was to be a basin installed. This is anecdotal information only. Mr. VanLew recommended that they could return the wet portions of their property to a meadow condition, but they think it would adversely affect their property values.

Although the Supervisors sympathized with the property owners they agreed with Mr. VanLew that this is a private issue. They suggested that the residents may want to pool their resources and have an engineer inspect their properties and offer suggestions.

Consideration of additional full-time hire for public works employee

Mr. VanLew requested the Supervisor's authorization to hire James Worrell at a full-time public works employee at the cost of \$17.50 an hour. The Supervisors said that the decision was up to Mr. VanLew as long as he didn't exceed the amount budgeted for 2010 Road Department wages.

Draft Intermunicipal Agreement – Horizontal Grinder

Mr. Piersol provided a revised 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. The agreement has been revised to show the actual cost of the grinder and it now indicates that the costs will be shared *equally* by the four municipalities. Vice-Chairman Fischer made a motion to approve the agreement. Mr Voltz seconded the motion, with all voting Aye.

Bondsville Mill Master Site Plan

Mr. Piersol reported that the plan is in the final stages of review. Bondsville Mill Committee Chairman Gerry Kirkpatrick asked that final comments be forwarded to Mr. Piersol by the week of June 7th. A copy of the final report will be available on the Township web site for residents to review the week of June 21st. The final draft will be presented to the Board of Supervisors at their July 1st Work Session. Rettew Associates will present the final draft document and a short PowerPoint presentation at the July 21st public meeting, where the Board will consider adoption of the plan.

Giant Land Development Plan

Mr. Peter Miller from Carlino Development Group and Mark Kaplin, who represents Carlino Development and the Watters family, attended the Supervisors meeting to discuss the land development plan, and more specifically, sewer and road issues.

On May 25th Mr. Kaplin sent correspondence to the Board of Supervisors, which outlines his clients position of sewer usage and the road configuration. The most significant issues are the manner in which sewage generated by the proposed development will be treated and whether or not it is feasible to comply with the Township's request that a public road be constructed from Horseshoe Pike to North Guthriesville Road.

According to Mr. Kaplin, the costs to construct the road are prohibitively high, in part, because of the cost to purchase a portion of the former Spence property, which is now owned by

Gambone Development. Mr. Kaplin also said that the Township's traffic impact fee will make it economically infeasible to construct the road. Carlino Development has estimated the costs for road construction and associated improvements to be over two million dollars. Mr. Kaplin provided an alternative driveway configuration for the Board to review and consider. He is asking for the Board's consideration of a credit against the traffic impact fees, construction of the less expensive alternate plan and/or assistance with acquiring a portion of the Spence property via eminent domain.

Vice-Chairman Fischer asked if the applicant had given any consideration to designing the plan so it looks more integrated into the existing shopping center. Mr. Kaplin said that the plan has been designed to provide the existing shopping center an access easement. It also provides them with shared stormwater facilities and joint sewer. Vice-Chairman Fischer asked if anyone has reached out to the Blair family, who are owners of the Brandywine Village Shopping Center. Mr. Miller said that he has tried to contact them, but they haven't responded. He has not tried to contact anyone from AWI, who own the Croppers Market. Mr. Kaplin said that it would probably be difficult to integrate the design considering the road layout and the intensity of competition between the two grocery stores.

Mr. Kaplin said that his client has signed a lease with Giant that allows them to invalidate the contract if the land development application isn't approved by a certain time. Because of that, he is anxious to finalize the outstanding road and sewer issues.

The land development plan submitted does provide for the road, as requested by the Township. There isn't an interconnection with Croppers in the back of the store, because the applicant is showing the maximum allowable impervious cover; to go any higher would violate the Zoning Ordinance. Also, Mr. Kaplin says that the store size and parking lot can't be decreased and have the plan remain profitable.

In order to provide the road interconnection from Rt. 322 to North Guthriesville Road, since it would be a public improvement, Mr. Kaplin is asking the Supervisors assistance in condemning a portion of the Spence property. He also asked that the Supervisors consider providing a portion of the traffic impact fee to help offset the road cost. Mr. Voltz said that the Supervisors are willing to discuss this with Mr. Kaplin and his client, but also need to consider future Township projects, such as construction of a loop road, to the south of Guthriesville. Chairman Kirkner said that the road interconnection is a priority for the Supervisors. Mr. Kaplin said that without assistance from the Township his client may submit a plan that complies with all Township zoning and subdivision and land development ordinances, but does not provide a through road. The Supervisors said that they are willing to discuss this and can schedule a meeting once they have the opportunity to discuss it and gather additional information from their consultants.

In the April Municipal Authority meeting, Mr. Kaplin discussed public sewer connection for the site. He said that with constructing the road, there isn't sufficient room for drip fields on the property. He discussed two alternatives, the first to convey sewer to the Little Washington Wastewater Treatment Plant and the second was to treat the effluent at the Applecross Treatment Plant and dispose of the effluent in proposed drip fields on the Weaver Property. At that time, he asked the Authority's permission to discuss this plan with the Downingtown Area School

District. He met with members of the School District and proposed that Carlino construct some of the drip fields on the School District's property and pay the approximate \$26 gallon/capital cost of construction of treatment capacity. His concern is that there is still no agreement between the Township, Authority and School District. Vice-Chairman Fischer said that one problem with this plan is that the drip fields were planned to be reserved capacity for the Municipal Authority. Mr. Kaplin said that wasn't his understanding. Vice-Chairman Fischer said that the draft Act 537 plan indicates that property owners are responsible to provide area for sewage to be disposed on their property. Mr. Kaplin said that everything can't be done on the property and if the Township wants to have the road constructed he either needs to find another location to dispose of the effluent or have it directed to the Little Washington Wastewater Treatment plant. The Supervisors will look into this matter. They appreciated that Mr. Kaplin is anxious for a resolution, but the Township will need time to consider Mr. Kaplin's request since the land development application was only submitted recently and this is his first time discussing this with them.

Public Comment

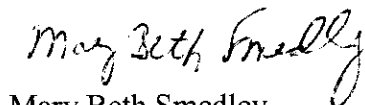
Chairman Kirkner asked if there were any additional public comments. Ms. Betty Niermitz, a supervisor at Croppers asked Mr. Kaplin if she could obtain a copy of the May 25, 2010 letter he sent to the Board of Supervisors. Mr. Kaplin gave her a copy of the letter.

Mr. George Holmes asked if the meeting with Carlino Development to discuss the road and sewer issues would be a public meeting. He was told that it would be private. Ms. Niermitz asked if the results of the meeting would be made public. She was told that the results, and any official action taken by thy Board of Supervisors, would be done at a public meeting.

Adjournment

There being no further business, Chairman Kirkner made a motion to adjourn the meeting at 8:50 A.M. Chairman Fischer seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer

The East Brandywine Township Board of Supervisors will meet in Executive Session directly following this meeting to discuss legal matters related to the Brandywine Regional Police Commission.