

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, July 6, 2006
7:30 AM**

Those in Attendance:

Jay G. Fischer, Chairman
Hudson L. Voltz, Vice-Chairman
David A. Kirkner, Member
Scott T. Piersol, Township Manager
Matthew T. VanLew, Roadmaster
Norann King, Township Secretary
Mary Beth Smedley, Secretary/Treasurer

The Board of Supervisors met in Work Session on Thursday, July 6, 2006. There were three visitors present

Opening of Meeting

Chairman Fischer opened the Meeting at 7:35 A.M.

Public Comment for Non-Agenda Items

Chairman Fischer asked if there were comments on non-agenda items. There were none.

Ordinance 02 of 2006 – An Ordinance Adding a Provision to the Land Use Code of the Township of East Brandywine, Chapter 350, Subdivision and Land Development, Section 350-37.1 Concerning Traffic Signals and Related Specifications

Mr. Piersol stated that the Ordinance amends the Subdivision Ordinance by creating a new subsection 350-37.1 Traffic Signals. This Ordinance and the accompanying Resolution have been reviewed by the Ordinance Task Force, Planning Commission, and County Planning Commission and have been properly advertised. This Ordinance ensures that traffic signals and related equipment which shall be installed as a part of a subdivision or land development comply with official Township specifications. Chairman Fischer asked if there were any questions or comments. There were none. Mr. Kirkner made a motion to adopt Ordinance 02 of 2006. Vice-Chairman Voltz seconded the motion, with all voting Aye.

Resolution 16 of 2006 – A Resolution to Adopt Official Township Specifications for Traffic Signals as Proposed in that Certain Report Prepared by McMahan Associates, Inc. Entitled “Technical Specifications for Traffic Control Signalization in East Brandywine Township” Dated November 2005

This Resolution adopts the Traffic Signal Specifications as provided by McMahan & Associates for East and West Brandywine Townships. Chairman Fischer asked if there were any comments. There were none. Vice-Chairman Voltz made a motion to adopt Resolution 16 of 2006. Mr. Kirkner seconded the motion, with all voting Aye.

Resolution 17 of 2006 – Accepting Dedication of Patterdale Place in the Ambleside Down Development

Mr. Piersol stated that letters were sent to each property owner on Patterdale Place on June 9th, advising them of the intention to move the street trees to their proper location five feet outside the street right-of-way. Developer Stephen Cushman has established a cash escrow fund with Mrs. Smedley to secure the removal of these trees in the fall. Mr. Piersol recommended the Supervisors accept dedication of Patterdale Place, in order to provide this information to PennDOT for inclusion in our State Liquid Fuels reimbursement for 2007. Mrs. Smedley was asked if there were any inquiries from residents regarding the street trees. To date, there have been no inquiries. Chairman Fischer made a motion to adopt Resolution 17 of 2006. Mr. Kirkner seconded the motion, with all voting Aye.

Pump and Haul Agreement for Hide-A-Way Farms

This Agreement is required for Southdown homes to secure their use and occupancy certificate for the model home they want to use as a sales office, and subsequent homes constructed early in this project. The wastewater treatment facility will not have sufficient waste to process until approximately 26 homes, plus the model home are completed. The anticipated period for the pump and haul is eight months. Township Solicitor Stacey Fuller and Municipal Authority Engineer Joseph Boldaz have reviewed the Agreement and recommended changes that have been implemented. This document was provided to Earl Cooke of Southdown Homes to obtain signatures from an authorized representative of Southdown Homes. Earth Care, Inc. will haul the waste generated from the tank to the approved disposal facilities in Phoenixville or Pottstown. Logs must be provided to the Township to monitor this pump and haul. Once this Agreement is signed by all parties, Southdown Homes will submit it to PADEP for their approval. When there are sufficient homes to process the waste, it will be sent to the Little Washington Wastewater Treatment Plant and then returned to the Hide-A-Way Farms site for disposal of the treated effluent. Mr. Piersol noted that there was one change to the Agreement. The Agreement stated that the Wastewater Treatment Plant Owner is Aqua America, Inc. Since Aqua America will not be treating the wastewater until after the Agreement expired, their name will be removed. Chairman Fischer asked if there were any questions. There were none. With this amendment, Chairman Fischer made a motion to approve this Agreement. Vice-Chairman Voltz seconded the motion, with all voting Aye.

Recommendation of the Bondsville Mill Committee – Phase I Environmental Study

In his letter of June 6th, David R. Bly, President of Environment Standards indicated his Board of Directors has offered to conduct a Phase I Environmental Site Assessment of the Bondsville Mill property. This study will be conducted on a pro-bono basis. At their June 22nd meeting, the Committee recommended the Supervisors accept the Environmental Standards proposal to conduct this study. It was noted during the meeting that Gerald Kirkpatrick is employed by Environmental Standards, is a member of the Bondsville Mill Committee, and is the Vice-Chairman of the East Brandywine Township Municipal Authority. Mr. Kirkpatrick abstained from voting on this matter. It was also noted that this study is a professional service, which does not require the Township to solicit bids to consider. It was also recommended by the Committee that should the site assessment determine that further environmental site assessment be required, the Township should request proposals from qualified firms to conduct further study of the property. The Supervisors expressed their appreciation to Environmental Standards for their

generous offer. Vice-Chairman Fischer asked if there were comments. Mr. George Holmes asked if there might be problems associated with the results of the Phase I study because of Mr. Kirkpatrick's involvement with Environmental Standards. It was noted that Environmental Standards has an excellent reputation for providing this sort of service and that this issues was discussed with the Township Solicitor in order to protect both the Township and Mr. Kirkpatrick. It was Ms. Stacey Fuller's professional opinion that accepting this proposal would not pose a conflict of interest. Chairman Fischer made a motion to accept Environmental Standards' offer to conduct a Phase I Environmental Site Assessment of the Bondsville Mill property and authorize Mr. Piersol to sign the Agreement on behalf of the Board of Supervisors. Mr. Kirkner seconded the motion, with all voting Aye.

Awards to George Holmes, Nina Pringle & Reino's Printing for Pennsylvania State Association of Township Supervisors Newsletter Awards

Mr. Piersol stated that the Township was pleased to award copies of the 2005 awards to these individuals, who have been instrumental in the high-quality communications provided to the residents and businesses in our community through out newsletter. The Township received a Third Place Award for Newsletters in the Class 2 Category and a Second Place Award for our East Brandywine Fire Company 50th Anniversary Newsletter. Chairman Fischer remarked that he receives many positive comments from residents on the quality of our newsletters. The Supervisors thanked Mr. Holmes and Mrs. Pringle for their work on these publications.

Proposed Zoning Ordinance Amendment – Historic Resource Protection Standards

The Ordinance Task Force recommended this revision to Article XII of the Zoning Ordinance at their June 28th meeting. The Planning Commission members reviewed this draft at their meeting July 5th, and are recommending the Board of Supervisors submit this Amendment to the County Planning Commission for their Act 247 review. Mr. Piersol submitted this draft to Solicitor Stacey Fuller for her review and stated she also feels it can move forward for the County review. He requested the Supervisors authorize this submission to the County Planning Commission. After review of the Amendment, the Board recommended this Amendment be modified as follows:

§ 399-64.B.

2. In addition to the information required in Subsection B-1, the applicant is encouraged to submit the following information, which also ~~may be required by the East Brandywine Historical Commission as it deems necessary:~~
 - a. Documentation of all efforts to sell the historic property in the preceding three years;
 - b. Purchase price;
 - c. Certified property appraisal;
 - d. ~~For depreciable properties, a pro forma financial statement prepared by an accountant, broker or record, or commercial real estate appraiser.~~

Chairman Fischer made a motion to authorize submission of the Amendments to the County Planning Commission with the above modifications. Vice-Chairman Voltz seconded the motion, with all voting Aye.

Natural Lands Trust Growing Greener Review of the Township Planning Documents

Anne Hutchinson from Natural Lands Trust attended the Supervisor's meeting to provide a brief analysis on the Natural Lands Trust review of our planning documents. She offered the following comments/suggestions:

1. Ms. Hutchinson stated that Township's planning documents were fairly up-to-date.
2. She stated that the requirements for a sketch plan didn't request much information. She suggested that the Township request a conservation plan accompany the sketch plan
3. It was suggested that the Township consider a design process that starts with what areas of a property will be conserved, rather than what will be developed.
4. The Township might consider offering incentives for conservation designs.

It was suggested that the next step would be for Ms. Hutchinson to attend an Ordinance Task Force meeting to review the Natural Lands Trust recommendations. She will attend the September 27th meeting. In addition, Ms. Hutchinson will provide model ordinances for the Ordinance Task Force and David Sweet to review.

Update and Recommendation on McCausland Hall Bell Tower Repairs

Mr. VanLew reviewed estimated costs to rent equipment in order to make repairs or for removal of the bell from its present location. The rental costs for a boom lift to make repairs and leave the bell at its current location is \$1,025.00, with an estimated rental of one week. This would allow time to make structural and trim repairs, and paint the tower. In addition, certain repairs to the roof are needed. There would be an additional rental cost of \$353.00 to lower the bell from its present location to the ground. The rental cost includes a 20-ton crane for two hours with an operator. The above estimates do not include Township employee labor or material costs. The Board discussed whether to relocate the bell from the tower to the new Township lobby, or leave it where it is. Although everyone agreed it would be nice to display the bell, there were concerns that the bell tower would look bare. After the meeting Chairman Fischer will go to the site to look and give Mr. VanLew an opinion about this. Either way, Mr. VanLew would like to close the hole going down into the roof since rain water is getting into the attic. He will install something that can be opened, such as a trap door. Mrs. King asked Mr. Szustak's opinion about where the bell should be located. He stated that the bell was Victorian and was intended to be in the tower.

Discussion of Floor Cracks in Public Works Building

Mr. VanLew provided the Supervisors with correspondence from WU and Associates regarding cracks in the Municipal garage floor. The floor was x-rayed last Thursday and it appears that most of the cracks are over the hairpins, which is the weakest point since the concrete is interrupted by the rod. It is Mr. VanLew's and Mr. Szustak's opinion that there are other factors involved including insufficient reentry bar and lack of control joints around piers. According to Mr. VanLew and Mr. Szustak, the contractor didn't comply with the structural drawing supplied to them. Prior to giving an opinion on how to resolve this issue with the contractor, the Supervisors asked to see the x-ray results. If the concrete was improperly installed, it is the

Supervisor's expectation that the contractor will repair the cracks at no additional cost to the Township. In addition, Wu and Associates have asked for a reduction in the retainage. Until this above issue is resolved, the Supervisors are not inclined to reduce the retainage.

Comments from the Audience

Mr. VanLew commented that many people seem concerned about saving the Village of Guthriesville, but currently Brandywine General Rental, Mama Lena's, Guthriesville Service Station and Blue Moon are all vacant. He feels that rather than trying to save these historic buildings that are not likely to have practical uses in their present form, it is time to allow plans to move forward where these properties can have productive, successful businesses.

Additional Public Comment

Chairman Fischer asked if there were additional public comments. There were none.

Adjournment

There being no further business, Mr. Kirkner made a motion to adjourn the meeting. Vice-Chairman Voltz seconded the motion, with all voting Aye. The meeting was adjourned at 9:00 A.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township