

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, April 19, 2006**

Those in Attendance:

Jay G. Fischer, Chairman
David A. Kirkner, Member
Scott T. Piersol, Township Manager
Mark Kocsi, Chief of Police
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

Absent:

Hudson L. Voltz, Vice-Chairman

The East Brandywine Township Board of Supervisors meeting of Wednesday, April 19, 2006 was called to order by Chairman Fischer at 7:30 P.M. at the East Brandywine Fire Company. There were four visitors in attendance.

Opening of Meeting

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

Public Comment for Non-Agenda Items

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

Eagle Scout Project – Kevin Short

Kevin Short, a member of Troop 8, presented his Eagle Scout project to the Board of Supervisors for a Flag Retiring Ceremony and a Flag Collection Box. Kevin said that the collection box will benefit our community by providing a place to properly dispose of flags. It will benefit the VFW by extending their visibility and participation in the community and it will help Troop 8 by giving Scouts who need service hours the opportunity to collect flags and drop them off at the VFW for proper disposal.

The box will be maintained by Troop 8. They will collect the flags on a monthly basis and drop them off at the VFW in Downingtown on a monthly basis. The box will be secured with a lock.

The collection box will be bright red, similar to the box located at the VFW in Downingtown, and looks similar to the blue mail boxes provided by the U.S. Postal Service. The box will have a large decal of the U.S. Flag on front of the box, along with lettering indicating that it is a collection box sponsored by the VFW and Hopewell Troop 8. It will be placed and anchored on a cement pad. The box will cost between \$500 and \$600, and the VFW will subsidize the cost.

Kevin discussed where the box might be located; he stated that Chairman Fischer had suggested either the Township Building or the Community Park. It was decided that the new Township municipal building will likely be the best location, although it may be located temporarily at the Community Park until construction is completed for the new Township building. To help publicize the drop box, information will be placed in the Township newsletter and on the web site. Kevin also said that he might place an ad in the Community Courier.

Mr. Martin Waver asked what happens to the flags when they are sent to the VFW. Kevin explained that a ceremony takes place and then the flags are burned. There are several different ceremonies that can be used. Chairman Fischer stated that there is a Federal law that deals with the disposal of flags.

Chairman Fischer made a motion to authorize placement of the flag drop box at the municipal complex at a location to be determined. Mr. Kirkner seconded the motion, with both voting Aye. The Board of Supervisors and Mr. Piersol thanked Kevin for presenting his project and wished him well in completing it.

Minutes: Board of Supervisors – March 15, 2006

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Mr. Kirkner made a motion to approve the March 15, 2006 minutes as presented. Chairman Fischer seconded the motion, with both voting Aye.

Minutes: Board of Supervisors – April 6, 2006

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Chairman Fischer made a motion to approve the April 6, 2006 minutes, as presented. Mr. Kirkner seconded the motion, with both voting Aye.

Minutes: Planning Commission Minutes – April 5, 2006

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Mr. Kirkner made a motion to approve the minutes as presented. Chairman Fischer seconded the motion, with both voting Aye.

Minutes: Municipal Authority Minutes – March 14, 2006

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Chairman Fischer made a motion to approve the minutes as presented. Mr. Kirkner seconded the motion, with both voting Aye.

Minutes: Municipal Authority Minutes – April 11, 2006

The April 11, 2006 minutes will be available for review at the May 17, 2006 Board of Supervisors meeting.

Treasurer's Report

Mr. Kirkner made a motion to approve the Treasurer's Report for the period ending April 19, 2006, and authorize payment of the bills. Chairman Fischer seconded the motion with both voting Aye.

Report: Township Manager – Report for March/April 2006

The State Association of Township Supervisors recently presented East Brandywine Township with two Citizen Communications Awards for our 2005 newsletters. The Fire Company's 50th Anniversary Edition won second place for other communications, and our 2005 newsletters took third place honors among townships with populations between 5,000 and 10,000 residents. This is the second time the Township has won two awards in one year for our resident communications. Special thanks go to Editor George Holmes for his diligent work on content, Nina Pringle for her skillful newsletter layout, and Reino's Printing, who have worked with our team to publish the newsletter in a four-color format, which really makes our newsletter stand out. We will have a special article and photo in our summer newsletter recognizing George, Nina and Reino's Printing, as these awards are largely due to their combined efforts. Mr. Piersol stated he would like to present copies of the awards to Mr. Holmes and Mrs. Pringle at a later date.

PA DEP awarded the Township a grant in the amount of \$32,384.00 for its 2004 Recycling Performance. This annual grant is provided to municipalities based on how well our residents and businesses divert recyclable materials from the waste stream. These funds go to partially offset the cost of providing the curbside and drop-off collections of paper, cans and glass in our community. Larger quantities of recyclable materials collected translate into more dollars in these grants, which have fluctuated over the past few years between \$32,000 and \$44,000, based solely on the tonnage of materials collected.

On Friday afternoon, March 31st, we had a serious fire which damaged 12 to 15 acres of woods along Creek Road, between the Brandywine Machine Company and White Acres Farm. The Fire Company was assisted by 13 other fire departments and State DCNR Bureau of Forestry teams to control this fire, which took nearly 6 hours of work to completely extinguish. Mr. Piersol thanked the police for contacting Croppers, Wegman's and Quinta's Food Market, to obtain bottled water and sandwiches for the approximately 75 firefighters and EMS personnel who assisted on this incident, and to thank those three stores for their generosity in donating those supplies that day.

This fire pointed out the very dry conditions in our area. A ban on all outdoor burning of leaves, brush and trash has been in effect since April 3rd in the Township. Our sign board made this announcement, block ads were placed in the Daily Local News, and our police and fire departments have been watching for those who have not seen these notices. This burning ban will continue until we receive significant rainfall over a period of several days.

On April 5th, the State announced a drought warning for all 67 counties in the Commonwealth. Chester County is nearly 5 inches short of its normal rainfall amount due to little snow this winter, and limited rainfall this spring. The State has asked everyone to conserve water by not washing vehicles, driveways and sidewalks, not watering lawns unless newly established, and has suggested other conservation measures. Even though spring is upon us, our grass is green

and starting to grow, we are asking all of our residents to be aware of these issues and help conserve this important natural resource.

Chief Kocsi provided the Township with a memo regarding the state of the County's emergency radio communication system, and the police department's ongoing concerns over the system's continued functionality. Mr. Piersol will be composing a letter on behalf of the Township and Fire Department to Director Ed Atkins to indicate our ongoing concern, and has passed this information on to the Fire Company. The issues of concern have an impact on the safety of and the County needs to quickly create an action plan to secure their safety, as well our citizens and visitors.

Recently, the Pennsylvania Emergency Management Agency released guidelines which were supposed to clarify the training levels required for various municipal officials in the National Incident Management Systems, or NIMS. Chief Kocsi and Mr. Piersol are working on a plan for providing web-based NIMS training to our Supervisors and Township staff. This will be part of our emergency management plan. Mr. Piersol stated there may be grants tied to this training and stressed the importance of all municipalities being compliant with the NIMS training guidelines.

Approximately 100 property owners attended a presentation by AES, Sparrows Point LLC and Mid-Atlantic Express Pipeline Company held at the Fire Company last night to discuss their plan to construct a Liquefied Natural Gas facility at an vacant shipbuilding port in Baltimore, Maryland, and construct an 85 mile pipeline from Baltimore to the Texas Eastern distribution terminal facility in West Vincent Township. This public meeting was designed as part of the ongoing communications with property owners and other stakeholders as required by the Federal Energy Regulatory Agency, which has oversight of these applications. The plan is to construct a 28-inch transmission main through along existing rights-of-way of the Transco, Texas Eastern and Columbia Gas pipelines to the greatest extent possible, to meet the current and future demands of natural gas for the northeast region. This pipeline would impact property owners in a portion of East Brandywine Township along Rock Raymond Road, in the Tunbridge development, the White Acres Farm, then under Creek Road and the Brandywine Creek into Uwchlan Township. Several of the property owners were upset because this proposed construction would mark the third time in the past several years their properties were disturbed by this utility construction. Because this is a federally-regulated utility, local municipalities have somewhat limited oversight roles in this project. An agent for AES contacted Mr. Piersol in January to discuss this project, as they hope to learn the past problems created, and, in some cases, apparently unresolved, with the construction, in an effort to avoid a repeat of those problems. The company wants to meet with the property owners along the proposed pipeline route to determine how to avoid conflicts, or if there are other ways to route the pipeline to avoid conflicts or congested areas where other transmission lines exist which may cause problems. Mr. Piersol has also been contacted by Williams Pipeline. This company also operates a gas transmission pipeline which traverses our community, to meet to discuss plans for expansion of their facilities.

Report: Building Inspector/Zoning Officer – Report for March 2006

Mr. Piersol read the Building Inspector/Zoning Officer's Report for March 2006. There were seventeen building permits issued, one use and occupancy permit issued, and fifty-five inspections conducted during the month. The total fees collected were \$9,490.70.

Roadmasters Report

Building Committee Report

The Building Committee met at the site on March 31st to choose colors of EIFS and exterior trim for the Administration Building. The Committee was pleased with the progress of the building.

The Maintenance Garage was supposed to be ready for occupancy today, but a few items need to be completed. PECO energized the building today, the garage door company will fine-tune the openers, and the electrician must finish a few items. The mezzanine is being roughed-in for plumbing, electrical and heat. Mr. VanLew anticipates moving into the garage portion next week and will be able to use the kitchen and restrooms in three weeks.

The Administration Building exterior stud walls should be complete this week. The steel structure has been set and is almost complete. Masons should complete all interior and exterior walls by Wednesday of next week. It is anticipated the carpenters will begin setting trusses the first week in May. The contractors have ordered their materials and are ready to rough-in the interior.

The site contractor has completed the asphalt base course for the maintenance garage and lower parking lot for the Administration Building. They have started finish grading and are planning to plant perimeter trees next week.

Concrete Cracks in Maintenance Building Floor

The building contractor Wu Associates subcontractor Braccia Concrete installed the concrete floor in the Maintenance Garage January 27th of this year. The floor cracked immediately at almost every pier. Mr. VanLew has been assured by Wu and Patrick Szustak, our architect, that the cracks do not pose a structural problem and are strictly cosmetic. Mr. VanLew's concern is not the structural integrity, but the possibility of the cracks deflecting after the building is in use.

Wu Associates have offered to install the concrete pad for the fuel station for a cost of \$3,000.00 in exchange the Township accepting the cracks "as-is" and not requiring any further remedial work. Wu will provide an additional 6 month warranty (see COR#9 dated April 11, 2006). The concrete fuel pad size changed from the dimensions indicated on the site plan. The site contractor Drum Construction provided a request for a change order for an additional \$7,660.32 due to the increased size of the pad (see Drum Construction fax dated March 30, 2006). If we remove the fuel pad and bollard installation from Drum's contract, Frank Puccio has offered a credit of \$4,552.00.

It is Mr. VanLew's recommendation that the Township accept the offer from Wu COR #9 to pour the fuel pad with the exception of the \$3,000.00 cost. He recommends Wu install the fuel pad free of charge in exchange for cracks in floor. If this offer is rejected by Wu Mr. VanLew recommends that the Township require Wu to remove and replace damaged concrete floor in the maintenance garage with means and methods approved by our Architect's engineers.

Mr. VanLew was asked what Mr. Szustak's recommendation was regarding the cracks in the floor. Mr. VanLew said that Mr. Szustak agreed that Wu should pour the fuel pad at no additional cost. Mr. VanLew was directed to speak to Mr. Szustak about the best way to proceed with this issue and to invite Mr. Szustak to attend the next Board of Supervisors meeting to discuss this issue. In the meantime, Mr. VanLew will determine how much it will cost for Township forces to complete this work.

Chairman Fischer asked if any equipment could be housed in the new building. Mr. VanLew said that he wouldn't recommend this unless there were some sort of acknowledgement from Wu that the cracking issue was pre-existing and that this, and the warranty issue, still needs to be resolved.

In addition to the cracking issue, there have been problems with improper installation of some anchors and bolts, and there may be problems with some of the welds in the steel support structure in the office building. Mr. VanLew and Mr. Szustak will continue to investigate these issues.

Park and Recreation Board

The Park and Recreation Board Annual Golf Outing will take place Wednesday, May 17th at the Honey Brook Golf Club. The East Brandywine Youth Association Opening Day will be held Saturday, April 22nd at 10:00 A.M. at the East Brandywine Township Community Park.

Report: Brandywine Regional Police Commission

The Brandywine Regional Police Commissioners have agreed that officers can wear a summer uniform which consists of a short-sleeves dress shirt and long pants. If the officers prefer, he or she could wear a short-sleeves polo shirt with a pair of short pants. Orders have been placed for the new uniforms. The amount of the summer uniforms will be deducted from the officer's uniform allowance.

The Commission reviewed the Brandywine Regional Police Commission Regional Police Agreement. Currently, the members of the Commission serve a one year term. There were discussions as to whether it may be beneficial to have members serve a three year term, rather than a one year term.

The next meeting will be held April 24, 2006 at 8:00 A.M. at the Wallace Township building.

Report: Police Chief - Police Activity Report for March 2006

Chief Kocsi reported on the Regional Police Activity Report for March 2006

Investigations	144
Traffic Citations	230
Traffic Warnings	19
Traffic Accidents	16
Criminal Arrests	8
Summary Arrests	5

Chief Kocsi also provided a breakdown on criminal investigations for the month of March.

Burglary/Criminal Trespass	2
All Assaults	1
Theft/Fraud	9
Disorderly Conduct/ Harassment	4
Disturbances	6
Suspicious Activity/ Persons	17
Domestics	3
Criminal Mischief	8
Juvenile Complaints	1
Missing Persons/ Runaways	1
Driving Under the Influence	2
Fugitive Warrants	4
Drugs	0
Other	2

Report: Fire Company's Activity Report for March 2006

Mr. Piersol read the Activity Report for the month of March 2006, as submitted by Fire Chief Robert Zynn, Jr. In March there were seventy-four total incidents. In East Brandywine Township there were nine fire calls and fifteen QRS calls. In West Brandywine Township there were ten fire calls and thirty-one QRS calls. Estimated fire damage for the month was \$792,000.

The East Brandywine Fire Company has been invited to participate in a Safe Kids Program at the Brandywine-Wallace Elementary School on Thursday, April 27th. On May 5th the Fire Company will have a basic first aid training day at the elementary school to teach children about basic first aid procedures.

The Master Board from the Villages of Timberlake sent a letter for the Board of Supervisors dated March 20th, thanking the East Brandywine Fire Company and the other fire departments who responded to the fire at Yellowwood Drive on March 15, 2006 that destroyed two townhouses.

Subdivision Extensions:

Overlook Road Farm AKA Applecross – The Planning Commission is recommending the Board accept an extension to review this subdivision until May 18, 2006. Mr. Kirkner made a motion to accept this extension. Chairman Fischer seconded the motion, with both voting Aye.

Brandywine Village/Croppers – The Planning Commission is recommending the Board accept an extension to review this subdivision until October 31, 2006. Mr. Kirkner made a motion to accept this extension. Chairman Fischer seconded the motion, with both voting Aye.

CMR Development Corporation – The Planning Commission is recommending the Board accept an extension to review this subdivision until June 30, 2006. Mr. Kirkner made a motion to accept this extension. Chairman Fischer seconded the motion, with both voting Aye.

Ordinance 01 of 2006 – An Ordinance Amending Various Provisions of the Land Use Code of the Township, including Chapter 325, Mobile Home Parks; Concerning Common Open Space; Chapter 350, Subdivision and Land Development, Concerning Procedures; and Chapter 399, Zoning, Concerning Small-Scale Keeping of Livestock and Age Restrictions in Continuing Care Developments.

These Amendments were recommended by the Planning Commission and have been advertised and approved by the Chester County Planning Commission. Chairman Fischer asked if there were comments on the amendments. There were none. Chairman Fischer then made a motion to adopt Ordinance 01 of 2006. Mr. Kirkner seconded the motion, with both voting Aye.

Historic Commission – Discussion of Wawa and the Mama Lena’s Building

John Black, Chairman of the Historic Commission, stated that he, Mr. Piersol and Mr. VanLew met with representatives from Wawa and the Army Corps of Engineers about a month ago to discuss the Wawa project. At that meeting, Mr. Black spoke to Sue Bratton from Wawa about alternatives to demolishing the Mama Lena’s building. Although Ms. Bratton was open to discussing different alternatives, she indicated that Wawa was not willing to take the initiative to come up with them. Ms. Bratton stated that she thought there were possibly issues, including the placement of the canopy that would prevent Mama Lena’s from being saved. Mr. Black suggested that the Board allow Township Engineer, Al Giannantonio to review the plans and suggest ways that the Mama Lena’s building might be preserved, while still allowing the Wawa to be built. One scenario he would like Mr. Giannantonio to consider is moving the Mama Lena’s building closer to Bondsville Road, thus providing an access into Wawa parking lot between the newly placed Mama Lena’s building and the Inslee property. Mr. Black also suggested that the Board and Planning Commission might be willing to give more latitude to Wawa if the Mama Lena’s building were preserved.

At their April 5th Work Session, the Board of Supervisors stated they were not opposed to having Mr. Giannantonio look at the plan, but did not want the Township to be in a position of “designing” the site for Wawa. In addition, the Board wanted a commitment from Wawa that they would be financially responsible for any engineering expenses incurred by the Township. Mr. Black stated that as the Section 106 review moves forward, the Township will need to review possible alternatives to demolishing the building proposed by Wawa. Mr. Kirkner asked why expenses would be incurred by the Township, since the proposed alternatives would actually be reviewed by the Army Corps of Engineers. Mr. Black thinks that the Township will need to review alternatives proposed by Wawa prior approval of the Wawa plan since this is an opportunity to negotiate a compromise plan. Wawa is in the process of providing a

Memorandum of Understanding to the Army Corps of Engineers that will outline the various discussions, reviews, reports, and suggestions that have occurred with regard to the Mama Lena's building.

Chairman Fischer stated that he was concerned that the engineering may be more time-consuming than the three to ten hours Mr. Black has suggested for Mr. Giannantonio to review the site. He suggested that rather than the Township redesigning the sight, Wawa should be asked to propose alternatives that the Township Engineer can review. Mr. Piersol stated that Wawa is requesting a three year extension of time in order to complete improvement to the plan. He suggested that a request to propose alternatives to the demolition of Mama Lena's might be tied to granting that extension. It was pointed out that any changes to the already approved preliminary plan might be significant enough to require Wawa to submit a new preliminary plan and ultimately withdraw the existing plan. Chairman Fischer and Mr. Piersol will work with Township Solicitor, Stacey Fuller to draft a letter to Wawa requesting they consider alternatives to demolishing the Mama Lena's building as part of any agreement to grant the requested extension.

Adjournment

There being no further business, Mr. Kirkner made a motion to adjourn the meeting. Chairman Fischer Chairman seconded the motion, with both voting Aye. The meeting was adjourned at 9:25 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer