

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, April 20, 2005**

Those in Attendance:

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

Absent:

Hudson L. Voltz, Member

The East Brandywine Township Board of Supervisors meeting of Wednesday, April 20, 2005 was called to order by Chairman Kirkner at 7:30 P.M. in McCausland Hall.

Opening of Meeting

Chairman Kirkner invited Boy Scouts Eric and Andrew Dunheimer to lead the audience in a Salute to the Flag.

Public Comment for Non-Agenda Items

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

Minutes: Board of Supervisors – March 16, 2005

Chairman Kirkner asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Fischer made a motion to approve the March 16, 2005 minutes as presented. Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Board of Supervisors – April 7, 2005

Chairman Kirkner asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Fischer made a motion to approve the April 7, 2005 minutes, as presented. Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Planning Commission Minutes – April 6, 2005

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

Minutes: Municipal Authority Minutes – March 8, 2005

Chairman Kirkner asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Fischer made a motion to approve the minutes of the March 8, 2005 meeting, as presented. Chairman Kirkner seconded the motion, with both voting Aye.

Treasurer's Report

Vice-Chairman Fischer made a motion to approve the Treasurer's Report for the period ending April 20, 2005, and authorize payment of the bills. Chairman Kirkner seconded the motion with both voting Aye.

Report: Township Manager – Report for February/March 2005

EBYA held their Opening Day festivities to kick off their baseball season last Saturday, April 16th in the Community Park. The Park overflowed with ballplayers and their families on a beautiful spring day. The Fire Company displayed a large American flag atop Ladder 49, the firefighters and police officers lined the third base line, the American Legion honor guard attended to display the colors, and Stephanie Kasuska gave a wonderful rendition of our National Anthem. Mr. Piersol wanted to recognize the EBYA Baseball Commission members who worked very hard to make Opening Day a tremendous success, and grow the baseball program over the past 5 years. In 2000, approximately 120 young people participated in baseball. Now, nearly 300 players participate in the various leagues, including several girls' softball teams. EBYA announced they would be hosting an invitation-only baseball clinic in June, and the State baseball playoffs for the 11-year old teams in July, both major accomplishments for the league. EBYA applied to host these playoffs last year, and were approved based on the facilities at Spatola. He also recognized the Public Works Department for keeping the fields in such good shape.

A fire occurred March 20th at the Sonoco Paper Mill in Downingtown, seriously damaging part of the paper mill. It was recently announced the paper mill will not reopen due to the fire damage. We have not been contacted by Accurate Recycling, who handles paper and cardboard recycling for East Brandywine Township, and other communities in Chester County from the Sonoco facility. It is at this time uncertain whether we will continue to receive money for our recycled paper and cardboard unless Accurate Recycling continues its operations at this location. These recycling proceeds help offset the costs for our curbside collection programs.

We received word last week that our grant application for purchase of an additional 7-acre parcel adjoining Phase II of our Community Park was approved by the Department of Conservation and Natural Resources in the amount of \$50,000. The executed grant agreement and procedural instruction should be received in the near future, so this project might proceed. The Chester County Commissioners also approved grant funding for this acquisition, which will allow us to construct a trail interconnect between the Hopewell subdivision and Phase II of the Community Park. We still have details to resolve with the Brown family for this purchase, which Mr. Piersol hopes will occur this summer.

PennDOT and PA DEP are sponsoring the Great Pennsylvania Cleanup this Saturday, April 23rd. Citizens volunteer their time to clean and remove trash and debris along roadsides, parks and neighborhoods. In 2004, PennDOT provided safety vests, gloves and trash bags to over 182,000 volunteers, who collected over 230,000 bags of trash. Anyone wishing to participate can contact Celeste Keller or Mike Burkhart at PennDOT's West Chester Maintenance facility by calling (610) 436-2091.

Mr. Piersol and Mr. VanLew returned today from the 83rd Pennsylvania State Association of Township Supervisors Annual Conference and Trade Show. Since Sunday, they attended a variety of seminars on topics such as road maintenance, composting, recycling, and personnel issues. They also attended the general sessions which discuss various legislative issues affecting local government, and vote on direction for PSATS in the coming year. One of the primary concerns, which generated much discussion, is the continued talk of consolidation of local government units into larger governmental units. This, in the opinion of many, would only serve to foster "big government" and make it much more difficult for residents to have their issues heard. PSATS is committed to keeping a strong voice for local government in the State Legislature, and in the Federal Government. These attacks have occurred periodically, but never with the appearance of significant support.

One of the seminars Mr. Piersol attended yesterday was on sewage management programs. He received many tips on starting our own program and avoiding some of the problems others experienced starting their own programs for managing on-lot septic disposal systems. There are still many preparations to be completed before our program is up and running. Basically, the program will require pumping of septic systems every three years, including a basic inspection of the system for proper operation.

The State Department of General Services announced a new program called COSTARS which allows municipalities, volunteer emergency service agencies, public agencies or non-profit educational or health care agencies to participate in contracts for services and supplies entered into by the Department, presently over 250 contracts. The Township has previously participated in a similar program for the purchase of vehicles such as police cars or road maintenance equipment. This program greatly expands the available supplies and services, including items such as building maintenance supplies, bulk propane and many other items we can purchase at reduced cost due to the volume buying of the State.

Mr. Piersol met with Michael Wolf from Boening & Scattergood, Inc. last Friday to discuss our Building and Open Space investments, obtained from a bond issue in August, 2003. The investments are currently being overseen by Dolphin & Bradbury, with whom Mr. Wolf was previously employed. Mr. Piersol requested approval by the Board to name Mr. Wolf as our investment counsel. The investments are actually held in separate accounts by another firm, which will not be affected by this transaction. They would not move nor be surrendered; this procedure only names Mr. Wolf as our advisor, to assist us with planning for sale of the investments as needed once we begin the construction of our new municipal building later this year. We have also begun discussions with Mr. Wolf on potential sources of additional funds for the construction project, due to the aborted first bid with our previous engineering firm. Mr. Wolf indicated we have plenty of time to work on those details. He suggested we wait until the bids are received, so we have a firm idea of the funds needed to complete the construction project. Vice-Chairman Fischer made a motion to name Michael Wolf as East Brandywine

Township's investment advisor for the Building and Open Space investment, obtain from the bond issue and name Scott T. Piersol and Mary Beth Smedley as signatories for the bonds. Chairman Kirkner seconded the motion, with both voting Aye.

Report: Building Inspector/Zoning Officer – Report for March 2005

Mr. Piersol read the Building Inspector/Zoning Officer's Report for March 2005. There were 11 building permits issued, 11 use and occupancy permits issued, and 33 inspections conducted during the month.

Report: Brandywine Regional Police Commission

Chief Kocsi interviewed two candidates for the position of part-time police officer. The officer will be scheduled approximately 8 to 16 hours a week to fill in for officers who are attending training or on vacation. Chief Kocsi will begin a background check on the candidate they would like to hire.

Two bids were received for the Department's 2001 Chevrolet Impala. A bid was accepted in the amount of \$2,000.00.

The Police Commission held a dinner on Friday, April 15th for the Youth Aid Panel in recognition of the time and effort they have put forth.

The next meeting will be held Monday April 25th at 8:00 A.M.

Report: Police Chief - Police Activity Report for March 2005

Chief Kocsi read the monthly activity report for March 2005, as follows:

Investigations	152	Traffic Citations	255
Traffic Warnings	41	Traffic Accidents	12
Criminal Arrests	9	Summary Arrests	1

The next newsletter will contain an article on motor scooters. Regardless of the type of engine, there are State requirements governing their use and operation. Chief Kocsi suggested that anyone owning a scooter should read the article.

The BRP took an incident report from a resident for deceptive business practices by a driveway paving company called USA Paving. This company and its owners are believed to be the same company which operated in 1997 under the name of Action Paving. In 1997, the Brandywine Regional Police arrested the owner and charged him with 14 counts of deceptive business practices. The Police Department is asking anyone who has been approach by or had work done by this company to contact the Police Department. It was also suggested that residents always obtain several written proposals and references for any work done at their homes.

Report: Fire Company's Activity Report for March 2005

Mr. Piersol read the Activity Report for the month of March 2005, as submitted by Fire Chief James Witmer. In March there were 67 total incidents. In East Brandywine Township there were 15 fire calls and 13 QRS calls. In West Brandywine Township there were 13 fire calls and 20 QRS calls.

Zoning Hearing: Newlin Zoning Hearing

The Zoning Hearing Board will meet on Thursday, May 5, 2005 at 7:30 P.M. in McCausland Hall to hear the application of Frank M. and Patricia K. Newlin for permission to subdivide property, which they own at 201 Newlin Drive, into two lots. The property is located in the R-2 Zoning District in East Brandywine Township. Section 399-28.A.(5) of the Zoning Ordinance allows a maximum impervious coverage of 12% of the net lot area. If permitted, one of the lots proposed by the applicants would exceed the maximum impervious coverage by 3.4%. At the April Planning Commission meeting both the Township Engineer and the Planning Commission supported the variance request. Larry Leisey attended the Board meeting on behalf of the Newlin family. Chairman Kirkner recused himself from discussion of the application. After review of the information provided by the applicant, the Board of Supervisors took no position on the variance request.

Zoning Hearing: Shannon Zoning Hearing

The Zoning Hearing Board will meet on Thursday, May 5, 2005 at 7:30 P.M. in McCausland Hall to hear the application of Joseph and Jennifer Shannon for permission to expand a garage on property which they own at 115 Locust Knoll Road. The property is located in the R-2 Zoning District. If permitted, the applicant's garage addition will extend to within 37 feet of the side lot line. The applicants have requested a variance from the requirements of Section 399-28.A(4) of the Zoning Ordinance which would allow the construction of the garage addition. At the Planning Commission meeting Mr. Shannon said he had spoken to the neighbors closest to the proposed garage addition and they do not object to this plan. The reason they are requesting this variance is so they can add a third garage to house a car that their son drives. They would like to secure all of their vehicles in the garage.

The Planning Commission suggested the applicant show their neighbor's property on the plan that is presented to the Zoning Hearing Board and provide a buffer or screening if requested by their neighbor nearest to the proposed garage. It was also recommended that Mr. and Mrs. Shannon show the placement of their well and septic system, the amount of impervious cover for the lot, and the front yard setback. The Planning Commission took no position on the application. After review of the information, the Board of Supervisors took no position on the application.

Subdivision: DeCovny Tract

Mrs. Smedley reported that the Planning Commission is recommending the Board accept an extension to review this subdivision application until June 16, 2005. Vice-Chairman Fischer made a motion to accept the extension until June 16, 2005. Chairman Kirkner seconded the motion, with both voting Aye.

Subdivision: AWI Croppers

Mrs. Smedley reported that the Planning Commission is recommending the Board accept an extension to review this subdivision application until July 31, 2005. Vice-Chairman Fischer made a motion to accept the extension until July 31, 2005. Chairman Kirkner seconded the motion, with both voting Aye.

Resolution: Resolution 05-07 – The Joint Committee on Taxation’s Recommendations on Tax Deductions for Donations of Land and Conservation Easements

Mr. Piersol said that he and Mrs. Smedley attended a meeting at the Brandywine Conservancy regarding the Joint Finance Committee’s consideration of changing tax deductions that could eliminate or reduce tax deductions for donations of land and conservation easements. This would adversely affect the work being done by the Open Space Committee to purchase land and easements in the Township. This Resolution formalizes East Brandywine Township’s opposition to changes in the tax deductions. If adopted, Mr. Piersol will send copies to Senators Santorum and Specter and to Congressmen Gerlach, outlining our opposition. Chairman Kirkner asked if there were comments from the audience. There were none. Vice-Chairman Fischer made a motion to adopt Resolution 05-07. Chairman Kirkner seconded the motion, with both voting Aye.

Ordinance: Ordinance 05-02 – Amendment to Ordinance 02-02 – Non-Uniformed Pension Plan of East Brandywine Township

This Resolution ensures that the Non-Uniform Pension Plan is in compliance with the Internal Revenue Service regulations and names the Board of Supervisors as Trustees of the Plan. Chairman Kirkner asked if there were comment from the audience. There were none. Vice-Chairman Fischer made a motion to adopt Ordinance 05-02. Chairman Kirkner seconded the motion, with all voting Aye.

Roadmaster

Mr. VanLew reported that the pre-bid meeting for the Buck Road Bridge was scheduled for Friday, April 22nd at 10:00 A.M. He has received three proposals for the two Bondsville Mill bridges and will discuss them with the Supervisors at the May 5th Work Session.

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Additional Public Comments

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

Adjournment

There being no further business, Vice-Chairman Fischer made a motion to adjourn the meeting. Chairman Kirkner seconded the motion, with all voting Aye. The meeting was adjourned at 8:15 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer