

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, August 17, 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
Bruce Rawlings, Planning Commission Chairman
Mary Beth Smedley, Secretary/Treasurer

Absent:

Hudson L. Voltz, Member

The East Brandywine Township Board of Supervisors meeting of Wednesday, August 17, 2005 was called to order by Chairman Kirkner at 7:30 P.M. at the East Brandywine Fire House

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. There were none.

Minutes: Board of Supervisors – July 20, 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 July 20, 2005 minutes as presented. Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Board of Supervisors – August 4, 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 August 4, 2005 minutes, as presented. Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Planning Commission Minutes – August 5, 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 – July 12, 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 July 12, 2005 meeting, as presented. Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Municipal Authority Minutes – August 9, 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 August 9, 2005 meeting, as presented. Chairman Kirkner seconded the motion, with both voting Aye.

Minutes: Pension Committee Meeting – August 4, 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 above minutes, 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 August 17, 2005, and authorize payment of the bills. Chairman Kirkner seconded the motion with both voting Aye.

Report: Township Manager – Report for July/August 2005

Bids for our new Municipal Complex were opened on Thursday, July 28th at a publicly-advertised meeting at the East Brandywine Fire Company. The Supervisors, Mr. Piersol, Building Committee Chairman Matthew VanLew, and Architect Patrick Szustak attended this bid opening. The bids for the building were slightly more than \$6.1 million.

Last June, when the bids for a different building project were higher than expected, the Supervisors decided to reject those bids and re-think the type of building to be constructed. After three months of interviews and discussion, Mr. Szustak was chosen as the design architect. Through this process, Mr. Szustak and the members of the Building Committee have worked to change the building to a type and style which would fit our proposed budget, yet serve the community for the next fifteen to twenty years. This structure, which is very substantial, is typical wood-frame construction, rather than steel and concrete. The current design incorporates and enhances the use of McCausland Hall. The site was designed to make the best use of the property, while avoiding one significant problem with the site work being done in three phases in the original design, which is very costly. The building design is symmetrical, and made use of similar components throughout. The Committee kept economics in mind during each and every meeting.

We received very competitive bids for this project; all contracts except one bid received were closely contested. There are so many construction project opportunities at this time, demand is

outpacing the available supply of competent labor. Oil prices, and the continuing shortage of certain building materials such as concrete and steel, although used little in our building design, helped to significantly increase the cost of this project. It is a builder's market at this time, and, at least in our immediate area, this situation is not expected to improve soon.

Mr. Szustak worked through the following week reviewing the possibilities of reducing the scope of this construction project, in preparation for meeting with the Supervisors at their August 4th Work Session, with a recommendation on our project. Mr. Szustak reviewed options with the Board to build part of the municipal building, and obtained proposals for cost reductions from the four contractors involved with the building construction.

After analyzing the pros and cons of our situation, the Supervisors decided to move forward with construction of the new municipal complex as designed. Reducing the scope of the project was considered, but it was determined this was not practical. The Supervisors felt that construction costs would only increase, and we would soon need an addition to a new building due to the projected growth in this community, which will begin over the next three to five years.

The Board did award the bid for the site work to Drum Construction at their August 4th Work Session, so the site work portion of the project can move forward schedule as quickly as possible. The Board will announce award of the other bids later this evening, based on the recommendations of the Building Committee, who reviewed the base bids alternates.

Because of the construction cost, the Township will need to secure additional funding for this project, likely through another bond issue. We are currently analyzing the final cost projections for the building, furniture, fixtures and associated costs, to determine exactly what additional funding will be needed. Paying for this borrowing will likely require a tax increase for 2006.

We are actively pursuing other potential funding streams for this project. Becky Corbin of Representative Curt Schroder's office is working with the Pennsylvania Historic and Museum Commission to determine if funding might be available through the State for the adaptive reuse of McCausland Hall, the former Guthriesville School as an integral part of our new building. Mr. Piersol has contacted Congressman Jim Gerlach's Office to request their assistance in applying for funding through the federal government, possibly through the Department of Homeland Security, as our new facility is designed to use portions of the building for Emergency Management purposes should a large-scale disaster occur in our community. The areas could serve as the nerve center for a large county, state or federal operations center, and is self-contained for power and operations. Mr. Piersol and Mr. VanLew also applied for grant funding to create a park and ride center in 2003, and have contacted the Transportation Management Association of Chester County (TMACC) to determine if there would be an opportunity for future funding. Senator Rafferty's office is also seeking funding opportunities for this Township project.

Our Public Works crew completed demolition of the Police Station building last week. We are waiting for PECO to remove and secure the electrical service to McCausland Hall, which feeds the Township Office and Garage buildings, so demolition of those structures can begin.

A pre-construction meeting with the contractors is tentatively scheduled for this Friday, August 19th at 9 A.M. This meeting will set the stage for how we expect this project to begin, how we expect the contractors to work together, to clarify any open issues, and generally get this project started and moving forward on a positive note. Our Solicitor, John Halsted is reviewing the draft contract documents, which Mr. Piersol anticipates having Thursday afternoon.

We expect to begin site work in the middle of September, by the time the contractors have their bonds and schedules in place, and equipment mobilized. By the bid documents, the construction is to take 12 months to complete, which would mean occupancy by fall of 2006.

Mrs. Smedley has tentatively scheduled a groundbreaking ceremony for either Wednesday, September 14th or Thursday, September 15th. Details for this ceremony are currently being developed, and will be announced as soon as the Board has an opportunity to discuss the plans.

Township representatives will attend a meeting hosted by the Brandywine Valley Association at Downingtown Borough, to discuss the second phase of the NPDES MS4 program, which is designed to reduce the pollution to our streams and watersheds through stormwater management programs. We are hoping many of our state senators and representatives will attend this meeting, as the 24 municipalities represented have serious concerns about our ability to create effective plans to reduce the stormwater impacts in our watersheds through the regulatory requirements as currently written. One primary concern is funding the work that must be done for this phase of the program. This program is yet another unfunded mandate from the state and federal government. The municipalities who are participating in this regional program are hopeful our legislators will be able to assist us with reevaluation of the legislation, including establishment of a reasonable source of funding for implementation of the goals of this program, which are in the best interest of our water supply and the environment.

The Supervisors approved revisions to our Building Permit Fee Schedule at their August 4th meeting, as suggested by Mr. Piersol, Mrs. King, and Mr. Russell Yerkes. Since July of 2004 when we adopted the Uniform Construction Code, we have been monitoring what issues occurred, and devised a method to address them. The fee structure stayed approximately the same; we created a much simpler method of calculating the building permit fees for new construction and additions, and added or clarified the construction category certain accessory structures should be considered under. Mr. Piersol will be meeting with webmaster Mike DiLeo next week to discuss putting building permit information on our website, including permit applications which can be downloaded, completed and submitted at the Township Office along with supporting documents.

Earlier this month, we confirmed acceptance of a revised proposal from Wise Preservation Planning to complete a National Registry nomination for the Village of Guthriesville. The Supervisors had approved a previous proposal from Mr. Wise earlier this year, which was not acted upon due to other matters of importance and conflicting schedules by both the Township and Mr. Wise.

The Pennsylvania Historical and Museum Commission (PHMC) granted a Determination of Eligibility for Guthriesville to be considered as a Historic District in 1990 when PennDOT submitted plans as part of their renovation plans for Horseshoe Pike. This DOE was updated with new mapping and research by the Township. This project will be comprised of an initial notice to

the existing property owners in the proposed historic district outlining the project, and inviting them to attend a public meeting to discuss the project. Completion of the National Register form would follow, which would initially be submitted to PHMC for their review. Should this application meet their approval, this application would be submitted for consideration by the Pennsylvania Historic Preservation Board. Sixty days before this meeting, PHMC will notify all the property owners in the district of the nomination, and provide them with the opportunity for comment. Unless a majority of those property owners oppose the nomination, the application would then proceed to the Historic Preservation Board for their vote. The final step would be for the PHMC to submit this application to the National Park Service for their final review and listing on the National Register of Historic Places.

Our Historical Commission, who initially requested the Supervisors' consideration for this project, will be actively involved with Mr. Wise on this project.

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

Mr. Piersol read the Building Inspector/Zoning Officer's Report for July 2005. There were nine building permits issued, eight use and occupancy permits issued, and forty-one inspections conducted during the month. The total fees collected were \$2,517.00.

Report: Brandywine Regional Police Commission

The Brandywine Regional Police Commission reviewed and approved the 2004 Independent Auditor's Report as prepared by Holmes, Simmons & Oswald, PC., the Commission's appointed auditor.

The Commission was awarded a \$1,000.00 grant from Penn Prime Insurance to cover the cost for Cop-Safe training that was attended by the police officers.

A grant in the amount of \$10,000.00 was awarded from the Department of Community and Economic Development for the purchase of truck scales.

Several officers had expressed an interest in purchasing supplemental insurance offered by AFLAC. The Police Commission authorized Chief Kocsi to schedule a meeting with an AFLAC representative. There will be no cost to the Police Commission.

The next Brandywine Regional Police Commission meeting will be held Monday, August 22, 2005 at 8:00 A.M. at the Wallace Township Building.

Report: Police Chief - Police Activity Report for July 2005

Chief Kocsi reported on the Regional Police Activity Report for July 2005

Investigations	176
Traffic Citations	291
Traffic Warnings	46

Traffic Accidents	8
Criminal Arrests	4
Summary Arrests	4

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

Burglary/Criminal Trespass	1
Theft/Fraud	4
Disorderly Conduct/ Harassment	5
Disturbances	8
Suspicious Activity/ Persons	22
Domestics	5
Criminal Mischief	4
Missing Persons/ Runaways	1
Driving Under the Influence	2
Fugitive Warrants	2
Other	1

Report: Fire Company's Activity Report for July 2005

Mr. Piersol read the Activity Report for the month of July 2005, as submitted by Fire Chief James Witmer. In July there were sixty-two total incidents. In East Brandywine Township there were ten fire calls and nineteen QRS calls. In West Brandywine Township there were eight fire calls and sixteen QRS calls. The estimated fire damage was \$25,000.00

The Fall Chicken Barbeque will be held Saturday, September 10th. Tickets are available at the Township office for \$8.50.

The Fire Company will celebrate their Fiftieth Anniversary with a Fireworks Display that will be held August 20th in conjunction with other Fiftieth Anniversary festivities.

Resolutions: Resolution 05-11 – Dedication of Brookhaven Lane and Grovehill Court in Phase III of the Hopewell Subdivision

Vice-Chairman Fischer made a motion to adopt Resolution 05-11. Chairman Kirkner seconded the motion, with all voting Aye.

Resolution 05-12 – Dedication of Ferndale Lane in Phase IV of the Hopewell Subdivision

Vice-Chairman Fischer made a motion to adopt Resolution 05-12. Chairman Kirkner seconded the motion, with all voting Aye.

Deeds of Dedication: Brookhaven Lane, Grovehill Court and Ferndale Lane

Vice-Chairman Fischer made a motion to accept the Deeds of Dedication for Brookhaven Lane, Grovehill Court and Ferndale Lane. Chairman Kirkner seconded the motion, with all voting Aye.

Subdivision: HeatherWynd

The applicant is proposing a 20 lot single family home development, each lot to be at least 45,000 SF net as allowed in the R-2 cluster zoning. Homes will be 3,500 to 5,000 SF. Public water and septic systems will serve the property. The plan depicts a 20-lot subdivision on 59.1540 acres on Corner Ketch Road. The development will be accessed by a boulevard type street with an 18 feet wide, tree-lined center island and each of the boulevard roads will be 18 feet wide.

Mr. Ross Unruh, attorney for the applicant and Mr. Richard Burke from the Gambone Development Company discussed final plan for this subdivision.

Mrs. Smedley reported that the Planning Commission recommended the Board of Supervisors grant final plan approval for this subdivision subject to returning the trail easement to the plan, approval of the NPDES permit, satisfaction of all outstanding items in the Yerkes July 29, 2005 review letter, PennDOT approval for the Highway Occupancy Permit, payment of \$40,000 fee-in-lieu of open space, and payment of \$70,150.80 in traffic impact fees.

Mr. Unruh stated that the applicant agrees to all of the above conditions. He noted that the applicant has requested a waiver from Section 350.53C(2)(a) of the Subdivision and Land Development Ordinance to provide less than the required amount of vegetation replacement on the site. In lieu of this requirement, the applicant proposes to comply with the Township's Woodland Management Objectives by providing increased buffer plantings and restoration of the wetlands on-site with additional plantings and removal of invasive species. In addition, the applicant has agreed to jointly cooperate with Township consultant Tom Kummer to provide environmental improvements to the retained wooded area. These improvements would be in lieu of plant materials required by ordinance, but for which there are no specific site locations. Mr. Rawlings stated that this was acceptable to the Planning Commission and recommended the Board grant this waiver.

The trail easement that was removed from the last plan submission will be shown on the final plan. The easement will be on Lot #15, with a dogleg through the rear of Lot #14, near the Hopewell Development border. It was noted that the Township does not have an easement from the boundary to the trail in the Hopewell Subdivision. Although the Township would like to obtain an easement, at the present time one has not been granted by the Hopewell Homeowner's Association.

Mr. Bruce Rawlings, Chairman of the East Brandywine Township Planning Commission stated that as a Township we have been working on integrating new and old communities together. Providing trail access to other parts of the community, Township parks, its town center, Community College and Brandywine Wallace Elementary School are some of the ways we are working to accomplish this. It is the hope of the Planning Commission that a trail system to be used for biking and walking can be tied into the Struble Trail sometime in the near future. These trails are to provide alternative way of travel through the Township without the use of a car, provide sources of recreation, and create a unified bond within the Township.

Most of our new communities have some form of trail or sidewalk system installed to accomplish this goal. It is the Planning Commission's hope that residents in the Hopewell development will see a trail interconnection as an advantage to their community by providing walking access throughout the Township.

The Planning Commission is strongly in favor of the Township goal of a unified trail system and recommends that the Supervisors keep the trail easement on the HeatherWynd Subdivision plan.

Chairman Kirkner asked if there were comments from the audience. Mr. Jim Correll and Mrs. Lisa Smith, residents of the Hopewell Subdivision asked to see the plans for the trail interconnection. It was Mr. Correl's understanding that the Township has asked for a trail easement that would connect to the easement in the HeatherWynd development, but had been turned down. He felt that putting this easement back on the plan meant that the Township would at sometime in the future try again to get an easement from the Hopewell Homeowner's Association to connect to the already existing trail. Although an easement would not be directly on this property, it would be on the open space adjoining it. Mr. Correll feels that an easement this close to this property will adversely affect property values. He also stated that he had no knowledge of this proposed trail when he purchased his home and that it was the Township's responsibility to provide this information to residents whose property adjoin the HeatherWynd Subdivision.

The Supervisors explained that the Hopewell Subdivision was the last subdivision in the Township that did not provide a means for a trail interconnection, although there is a trail within the development. At the time the Hopewell Subdivision was submitted, there was no master trail plan for the Township. Since then, the Board of Supervisors, working with the Planning Commission and Park and Recreation Board has created a master plan for the Township that goes from Spatola Park to the Struble Trail. The Supervisors agreed that they would like to extend the trail through the Hopewell Subdivision and will likely approach the Homeowners' Association again at some time in the future. It was also explained to Mr. Correll that the HeatherWynd Subdivision plans have been reviewed by the Planning Commission for more than a year. Discussions regarding the trail system and the subdivision as a whole have taken place in advertised meetings that were open to the public. It is the responsibility of residents to inform themselves about events in the Township that might affect them.

Mrs. Smith stated that she is the Secretary for the Hopewell Homeowner's Association. She stated that residents living on Tarreytown Lane were very nervous when the Homeowner's Association was first approached about providing a trail easement to connect to the easement in HeatherWynd development. They were concerned that a trail might cause security problems for residents living in that part of the development. They were also afraid that people using the trail would park in the cul-de-sac. Mr. Piersol previously met with representatives of the Hopewell Homeowner's Association. At the conclusion of the meeting, it was agreed that the Homeowner's Association would provide the Township with a formal response to this request. To date, the Homeowner's Association has not provided the Township with an answer.

Vice-Chairman Fischer made a motion to grant final plan approval for the HeatherWynd Subdivision subject to returning the trail easement to the plan, approval of the NPDES permit, satisfaction of all outstanding items in the Yerkes July 29, 2005 review letter, PennDOT approval for the Highway Occupancy Permit, payment of \$40,000 fee-in-lieu of open space, and payment of \$70,150.80 in traffic impact fees. He also made a motion to grant a waiver from Section 350.53C(2)(a) of the Subdivision and Land Development Ordinance provided the applicant work out the specifics of landscaping on the property to the satisfaction of Yerkes Associates and Landscape Architect Tom Kummer. Chairman Kirkner seconded the motion, with all voting Aye.

Municipal Complex Bid Awards

The Building Committee is recommending the Supervisors accept the following bids:

General Construction – Wu and Associates in the amount of \$3,534,000.00, with the deduct alternate of \$5,000 for panelized wall system in lieu of “stick frame” construction. The Committee recommended the Board reject the alternatives for stucco in lieu of EIFS, natural stone in lieu of cultured stone, demolition of existing buildings, and fixed picture window types. Chairman Kirkner asked if there were comments from the audience. There were none. Vice-Chairman Fischer made a motion to accept the above bid from Wu and Associates as outlined by the Building Committee. Chairman Kirkner seconded the motion, with both voting Aye.

Plumbing – Vision Mechanical, Inc. in the amount of \$384,000.00 and the \$1,000.00 alternative for six-inch fire service main in lieu of a four-inch fire service main. Chairman Kirkner asked if there were comments from the audience. There were none. Vice-Chairman Fischer made a motion to accept the above bid from Vision Mechanical, Inc. Chairman Fischer seconded the motion, with both voting Aye.

HVAC – MBR Construction Services, Inc. in the amount of \$696,000.00. Chairman Kirkner asked if there were comments from the audience. There were none. Vice-Chairman Fischer made a motion to accept the above bid from MBR Construction Services, Inc. Chairman Kirkner seconded the motion, with both voting Aye.

Electrical – Lenni Electric Corporation in the amount of \$441,938.00 with the alternates for lightning projection in the amount of \$18,884.00 and building ground loop in the amount of \$5,331.00. Chairman Kirkner asked if there were comments from the audience. There were

none. Vice-Chairman Fischer made a motion to accept the above bid and reject deduct E #1 for 13.2 Kv service. Chairman Kirkner seconded the motion, with both voting Aye.

Additional Public Comments

Chairman Kirkner asked if there were additional public comments. Mr. Jim Correll from the Hopewell Subdivision asked what options he had regarding the trail easement that will be part of the HeatherWynd development. He stated that inclusion of this easement on the plan will impact the value of his home. He also said that it seems like the Homeowner's Association will be forced to grant an easement in the Hopewell Subdivision for a trail and that it is a foregone conclusion that this issue will be revisited. Mr. Correll stated that there is no buffer between his property and the open space where a trail might be constructed. He is already having problems with residents walking their dogs in the open space adjoining his property.

Mr. Correll was reminded that discussion regarding the trail took place in public, advertised meetings. The Planning Commission has been charged by the Board of Supervisors to obtain trail interconnections between developments whenever possible. Mr. Piersol never received a letter from the Hopewell Homeowner's Association regarding the Township's request for the trail easement.

Mrs. Norma Koth stated that she was happy to see that the Township was having a National Registry nomination completed for the Village of Guthriesville. She hopes our residents can take advantage of the rich heritage the Township has to offer. She also suggested that the Township advertise the availability of the "History of East Brandywine Township" book in the next newsletter.

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 8:40 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer