

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, February 3, 2005
7:30 AM

Those in Attendance:

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

The Board of Supervisors met in Work Session on Thursday, February 3, 2005.

Opening of Meeting

Chairman Kirkner opened the Meeting at 7:30 A.M.

Public Comment for Non-Agenda Items

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

Amendment to Ordinance 80-1, Posting Brantwyn Drive

Mr. Piersol stated that the traffic study done by Sgt. Pence recommends a speed limit of 30 mph for Brantwyn Drive. Chairman Kirkner asked if there were comments from the audience. There were none. Vice-Chairman Fischer made a motion to post the speed limit on Brantwyn Drive at 30 mph. Mr. Voltz seconded the motion, with all voting Aye.

Ordinance 01-05, repealing Ordinance 02-03 – Sewer Use Ordinance

The Municipal Authority approved Resolution 01 of 2005 at their January 11th meeting. This Resolution is intended to replace Ordinance 02-03, and provide the authority for enforcement with the Municipal Authority. The Board of Supervisors met with the Municipal Authority to discuss their respective lines of authority in December. Mr. Piersol and Municipal Authority Solicitor John Spangler met to clarify the Municipal Authority's responsibilities. They agreed that Ordinance 02-03 should be repealed once the Authority passed their Resolution. Chairman Kirkner asked if there were comments from the audience. There were none. Vice-Chairman Fischer made a motion to adopt Ordinance 01-05. Mr. Voltz seconded the motion, with all voting Aye.

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Resolution 05-04 – Costs Associated with the Collection of Delinquent Act 511 Taxes

Mr. Piersol stated that this Resolution authorizes Berkheimer Associates to impose and retain costs of Act 511 (earned income) taxes under Act 192, signed by Governor Rendell on November 30th. Chairman Kirkner asked if there were comments from the audience. There were none. Vice-Chairman Fischer made a motion to adopt Resolution 05-04. Mr. Voltz seconded the motion, with both voting Aye.

Buck Road Bridge Project

Mr. VanLew reviewed the Buck Road Bridge plan with the Board. Mr. VanLew stated that a pre-fabricated bridge would be installed. All PADEP approvals have been received and he is working to obtain construction easements from the two adjacent property owners. The project should be out for bid by the end of March and start sometime after June 15th. Mr. VanLew will have Township Solicitor John Halsted review all the bid documents prior to advertisement of the bid.

Building Committee Update

The Building Committee met with architect Patrick Szustak on January 28th. Mr. Szustak showed a building plan that illustrates the physical attachment of McCausland Hall to the new municipal building. Mr. Szustak's plan shows McCausland Hall at the center of the building, with one wing for the Township and one wing for the Brandywine Regional Police Department. Although some of the interior spaces may need to be fine-tuned, the plan allows the School House to remain the focal point of the complex and provides new spaces that incorporate the same architectural style. The building will be moved slightly from the design shown so that it doesn't interfere with the architectural detail of the existing School House.

The proposed design means that the existing Township administration building would need to be demolished and the staff would need to move to temporary quarters during construction. Mr. Szustak asked if the building could be constructed in phases. He said that it could be done, but it would probably be more cost effective to construct the building in one phase and move the employees to a temporary space.

Mr. VanLew was concerned about the Township moving to temporary offices because he felt it would be inefficient for the employees to move twice. He also felt that the new building would be seen better if it were set back from the road; having the School House stand alone was the design originally intended when the school was built.

After reviewing the plan, the Supervisors agreed to move forward with the plan showing the physical attachment to McCausland Hall. Another program meeting will be scheduled for next week.

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Downingtown Municipal Water Authority

Downingtown Municipal Water Authority Executive Director John Lichman, Board Member Graham Miles and Solicitor Jeffrey Valocchi discussed their interest in providing water to additional areas in East Brandywine Township. Mr. Valocchi said there were rumors that an agreement has been signed with Aqua-Pennsylvania to provide water to the Hillendale property. To date, there is no agreement between the developer and Aqua-Pennsylvania.

The Water Authority has been approached by Developer John Shelton to provide water to his proposed Forge Hill development in the Township. They do have water capacity in addition to the 500,000 gpd that has been allocated to Aqua-Pennsylvania. Mr. Valocchi discussed a plan where a water main could be extended from the Tunbridge Development to the southeastern portion of the Township. The water would not be imported and would promote ground water recharge. This water allocation eliminates the need to bore under the Brandywine Creek, a concern of the Municipal Authority. Water imported from Uwchlan Township would be dependent upon wells.

Mr. Valocchi and Mr. Miles are concerned that as different water companies are approached about providing water in the Township they may be pitted against one another. Mr. Lichman reiterated that the Water Authority is willing and able to provide water at a reasonable cost to customers in East Brandywine Township. In order to run the water line there would have to be an adequate number of customers to make the plan economically feasible. At the present time it is unknown whether a water company or developer would pay for the installation of the water main.

Mrs. Sandra Moser stated that the subject of providing water to the southeastern portion of the Township was discussed at the January 11, 2005 Municipal Authority Meeting. Mr. John Shelton, owner of a tract of land in the vicinity of Dowlin Forge Road and Rt. 282 has submitted a conditional use application for public water to that property. Mr. Shelton approached the Municipal Authority, asking for their support. At that time the Municipal Authority thought it was premature to make a decision. They asked to see a larger plan and had ongoing concerns about storm water runoff. They offered the following comments.

1. The Municipal Authority would like to see public water methodology that can be reviewed and approved by the Municipal Authority Engineer.
2. There are continued concerns regarding the environmental impacts of boring under the Brandywine Creek.
3. It is the Municipal Authority's preference to keep water within the watershed in order to maintain the water balance.
4. Any capacity provided by DMWA must be in addition to the 500,000 gpd already committed to Aqua-Pennsylvania.
5. The Board of Supervisors should ensure that there are no preexisting agreements with Aqua Pennsylvania to provide water to any of these sites.

The Board stated that they are not recommending any specific water purveyor to provide water to that portion of the Township. The Board has only been approached by Mr. Shelton.

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Mr. Valocchi, Mr. Miles and Mr. Lichman thanked the Board for their time and consideration.

Wise Preservation Planning

Mr. Robert Wise of Wise Preservation Planning reviewed his January 13th proposal to complete a National Register nomination for the Village of Guthriesville. At their last meeting members of the Board had some questions about the potential benefits to existing property owners, what affect this historic designation might have relative to proposed traffic improvements and other issues. Mr. Piersol asked Mr. Wise to specifically address these concerns in his proposal. Mr. Wise stated there are certain tax credits for residents on the National Register, grants that may be available to preserve the historic structures, as well as a greater appreciation for the historic nature of the buildings.

The Pennsylvania Historical and Museum Commission (PHMC) granted a Determination of Eligibility for the district in 1990. In 1999 the original determination was updated with new mapping. In August of that year members from the Pennsylvania Historical and Museum Commission visited the district and redrew the boundaries. The current boundaries include the core of the Village. The Period of Significance was established from 1760 to 1861. The district is locally significant for association with the development of commerce in rural Chester County and significant for its examples of late 18th and 19th century building styles.

The Township Board of Historical Architectural Review would act as an advisory group to the Board of Supervisors with regard to issuing building permits. The HARB shall consider only those matters that are pertinent to the preservation of the historic aspect and nature of the buildings and structures located within the certified historic district.

The PHMC requires proper notification to all property owners in a proposed historic district. Mr. Wise recommends notifying the owners prior to beginning of a project and again near the end of the project, when the state sends out an official notice. Due to the small number of properties, Mr. Wise recommends notifying property owners via a letter outlining the project and inviting them to the initial meeting. He suggested having the Township host the event. A certain percentage of residents within the district would have to be in favor of placing the district on the National Register. An article will be placed in the spring newsletter and Mr. Piersol and Mr. Wise will work on scheduling a meeting to determine the interest of the residents.

Draft Memorandum of Understanding – Whitaker Family/White Acres Farm

Mr. Piersol provided a revised draft for the Supervisors to review. He also provided a copy for Township Solicitor John Halsted to review. A meeting has been scheduled with the Whitaker Family and Sheila Fleming from the Brandywine Conservancy for Saturday February 5th. They will meet with Mr. Fischer, Mr. Gladden and Mr. Piersol next Tuesday, February 8th to discuss a conceptual plan for the potential future development of the farm, which is intended to include the preservation of a significant portion of the property along Dowlin Forge Road and Creek Road.

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Forge Hill Conditional Use Hearing

The Conditional Use Hearing for a cluster subdivision with public water originally scheduled for the March 3, 2005 Supervisor's Work Session has been postponed by the applicant. Attorney Sean O'Neill contacted Mr. Piersol to make this request. This delay would permit the applicant's engineer James McCombie to address certain issues, particularly the density calculation with Township Engineer, Al Giannantonio. Mr. Piersol agreed to this delay with the understanding that the applicant would assume responsibility for any costs incurred due to their request for a delay. Mr. O'Neill did provide a letter giving an indefinite extension for scheduling the hearing "subject to the ability of the applicant or Township to move forward with a hearing on 30 days' notice."

PennDOT Meeting

Mr. Piersol will reschedule a meeting with Representative Curt Schroder and representatives from PennDOT to discuss issues regarding Rt. 322. Another meeting will be scheduled directly following the PennDOT meeting to discuss the availability of grants to clean up the Mill property on Bondsville Road.

Bondsville Mill Property

Mr. Halsted received a telephone call from a law firm representing Yaron Properties, inquiring about the status of our proceeding to acquire this property. Mr. Halsted asked the Township to provide a check for the fair market value, which has been offered. Mr. Halsted will draft a letter formalizing the offer. If they do not accept the offer, the check is provided to the courts to hold until the hearing by the jury of view is held.

Tax Assessment

Mr. Piersol received word from Jeffrey Laudenslager of the County Tax Assessment Office Monday that our request for real estate tax exemption for the two-acre Tischler property was granted by the Board of Assessment appeals. Formal written notice will be forthcoming from the Assessment Office.

Waring Drive Interconnection

The Waring Drive Interconnection will be discussed at the February 16, 2005 Board of Supervisors Meeting.

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Public Comment

Chairman Kirkner asked if there were any comments from the audience. There were none.

Adjournment

There being no further business, Mr. Voltz moved to adjourn the meeting. Vice-Chairman Fischer seconded the motion, with all voting Aye. The meeting was adjourned at 10:00 A.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township