

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

**Those in Attendance:**

Jay G. Fischer, Vice-Chairman  
Hudson L. Voltz, Member  
Scott T. Piersol, Township Manager  
Mary Beth Smedley, Secretary/Treasurer

**Absent:**

David A. Kirkner, Chairman  
Matthew T. VanLew, Roadmaster

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

**Opening of Meeting**

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

**Moment of Silence – John Kessler**

Vice-Chairman Fischer asked the audience to join him in a moment of silence for John Kessler, the Chairman of the East Brandywine Township Historic Commission. Mr. Kessler passed away on July 5<sup>th</sup> after a brief illness. John and his wife Jackie were instrumental of revitalizing the Historic Commission and were dedicated to retaining and preserving the historic homes in East Brandywine Township. He will be missed.

**Public Comment for Non-Agenda Items**

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

**Minutes: Board of Supervisors – June 15, 2005**

Vice-Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Mr. Voltz made a motion to approve the June 15, 2005 minutes as presented. Vice-Chairman Fischer seconded the motion, with both voting Aye.

**Minutes: Board of Supervisors – July 7, 2005**

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

**Minutes:                    Planning Commission Minutes – July 6, 2005**

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

**Minutes:                    Municipal Authority Minutes – June 14, 2005**

Vice-Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Mr. Voltz made a motion to approve the minutes of the June 14, 2005 meeting, as presented. Vice-Chairman Fischer seconded the motion, with both voting Aye.

**Treasurer's Report**

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

**Report:                    Township Manager – Report for May/June 2005**

The Township was saddened to learn of the death of Historical Commission Chairman John Kessler. John was deeply committed to preservation of historic structures in our community. He and his wife Jackie contributed a great deal of their personal time researching and inventorying historic resources. John deserved a great deal of credit in re-instilling interest in our Historic Commission during his term on the Commission, with the last two years as Chairman. His passing is a great loss for the Township. The Kessler family is holding a memorial service for John at their farm this Saturday morning. The Historic Commission has recommendations for new members and a chairman later this evening.

The Township and Police Administrative Offices completed our move to the second floor of the Laird Professional Building, located at 110 Hopewell Road, on July 9<sup>th</sup> and 10<sup>th</sup>. The move went fairly smoothly, and the weather cooperated. We are still getting accustomed to the additional space this move has afforded us while we await bid results for our new municipal complex. We are still getting used to a new telephone system, and in which room or closet certain files or supplies are now located. The staff all agrees this move was a definite improvement over our former facilities. We encourage the public to visit our web site where we have posted photos of the building. Office photos will be added soon.

Work to remove the asbestos siding from the former Police building began earlier this week. The siding from the back of the building has been finished. Mr. Piersol expects this project to be completed early next week. A small area of floor tile in the former Township Office must also be removed, prior to demolition of either of these buildings. Mr. Piersol said it was interesting that, if these buildings were residential structures, none of the permits or special material handling measures would be required, and the buildings could simply be demolished.

A pre-bid meeting for our Municipal Building Complex project was held last Wednesday morning, July 13<sup>th</sup>. We were encouraged at the number of interested bidders who attended this meeting. Architect Patrick Szustak provided the attendees with a tour of the plans and specifications, and answered several questions. Several contractors toured the site and the existing buildings which are scheduled for demolition as part of this project. Mr. Piersol reported that 19 prospective bidders have received plans and specifications, which is very encouraging, and should make the bidding very competitive. One of the bidders asked for the project budget, so they would have an idea for purposes of bonding the bids for the project. Mr. Szustak provided them with budget figures for that purpose, based on his professional experience and bid results from recent projects he has been involved with or has knowledge of on which to base an estimate for bonding purposes.

Bids for the project are due at the Township Office not later than 4:00 P.M. on Thursday, July 28<sup>th</sup>. These bids will be opened at 4:30 P.M. July 28<sup>th</sup> at the East Brandywine Fire Company. The bids will be reviewed over the next several days, and Mr. Szustak will attend the Supervisor's Work Session with his recommendations at their August 4<sup>th</sup> Work Session at 7:30 A.M., also at the Fire Company.

The County recently notified us that Federal Homeland Security funds are being used to provide each municipality with a laptop computer and portable printer. This equipment is to be used by each municipality's emergency management coordinator as a means of communication during emergencies or exercises via the internet, for long-term planning and transmitting information related to emergency services. Mr. Piersol has a meeting scheduled for Thursday morning with the vendor to receive our equipment and have a demonstration on its use. He will determine if there are restrictions on other uses permitted for this equipment, which would benefit the Township in its day to day operations.

**Report:                      Building Inspector/Zoning Officer – Report for June 2005**

Mr. Piersol read the Building Inspector/Zoning Officer's Report for June 2005. There were eighteen building permits issued, twenty use and occupancy permits issued, and fifty-one inspections conducted during the month. The total fees collected was \$6,376.44

**Report:                      Road Master's Report**

Buck Road Bridge

Buck Road is closed between Horseshoe Pike and North Buck Road. Emergency Services have been notified. Mr. VanLew expects the project to take approximately nine weeks to complete.

The contractor has begun survey work and is scheduled to begin installation of the bypass pipes this week. Within two weeks, the bridge should be demolished in preparation for the concrete footings.

We are waiting for Verizon to complete relocation of their wires so the poles can be removed for demolition.

### Bondsville Mill

Mr. VanLew has received a proposal for \$1,750.00 from Cassio Engineering, Inc. to prepare GP-11 permits for both bridges. The proposal includes delineating wetlands and submission of the Bog Turtle Habitat Screening form. The proposal does not include a Phase II Bog Turtle Study. The Army Corps of Engineers and U.S. Fish and Wildlife will determine if the study is warranted. Bob Lubbers from Cassio Engineering anticipates that it will take approximately two weeks to complete the assignment.

If approved by the Supervisors, Mr. VanLew will sign the proposal and return it to Mr. Lubbers so he may begin completing the permit application. He anticipates the installation of rip-rap and tree removal to proceed soon after receiving the permit. Mr. Piersol stated it should take four to six weeks to receive the permit once the permits are submitted to PADEP. Vice-Chairman Fischer made a motion to accept the proposal from Cassio Engineering in the amount of \$1,750.00. Mr. Voltz seconded the motion, with both voting Aye.

### Verizon Fiber Optic Installation

The Township is still receiving calls from residence about yard restoration from the installation of Verizon fiber optic installation. Mr. VanLew is keeping a list of resident complaints.

Any resident that has a complaint or concern about the installation should contact Dennis Coyle of Verizon at 302-736-7151

### **Report: Park and Recreation Board**

At the last Board meeting, Mr. Worrell reported that the annual golf outing contributed approximately \$8,000.00 that can be used for Park improvements. The Supervisors thanked everyone involved for another successful event.

The Day in the Park was also another successful event for the Township. The weather cooperated and the event was well attended.

### **Historical Commission**

Mr. John Black, who was chosen as the new Chairman of the Historic Commission, approached the Supervisors about the Historic Commission's recommendations for new members. With the sudden death of Mr. Kessler, there are three openings on the Commission. Over the past several months, the Commission has been interviewing candidates. There were a large number of interested and qualified candidates. The Historical Commission is recommending the following candidates to fill the three vacancies:

Mr. Ken Chester has a background in finance, but is also very interested in historic preservation. He has been actively involved in the restoration of his historic home. Mr. Chester is retired so is able to devote time during the day to the Historical Commission activities.

Mrs. Steffenie Kirkpatrick has a background in geology and has a significant interest in history. She has familiarity with reviewing old records and tracing ownership of historic properties.

Mrs. Linda Morrison has been active in restoring and expanding one of the historic houses in the Township. She has an interest in historic preservation and has previously been involved in preservation projects, such as S.A.V.E., which caused PennDOT to reconsider a significant expansion of Route 41.

Mr. Black said that since there were so many qualified candidates, the Commission would like to form an adjunct committee which could contribute its time to assisting with the various research and other tasks which the Commission needs to perform.

The Supervisors asked if the Commission might consider either expanding its membership or having several ex-officio members chosen, rather than having an adjunct committee. Mr. Black said those options had been considered, but there were concerns about having a quorum at the meeting if the membership were expanded. The Commission felt that if the adjunct committee were formed, it would give the Commission an opportunity to see who was truly interested in serving.

Vice-Chairman Fischer made a motion to appoint Ken Chester, Steffenie Kirkpatrick and Linda Morrison to the Historical Commission, and approved forming an adjunct committee to help the Historical Commission in research and other Historical Commission tasks. Mr. Voltz seconded the motion, with all voting Aye. Mr. Black thanked the Supervisors and said he would be sending letter to all the candidates in the next several days.

**Report:                    Brandywine Regional Police Commission**

Chief Kocsi and the Commission discussed the newly implemented policies under which Chester County Constables must abide when serving warrants on arrestees.

Commissioner-at-Large Corbin discussed the possibility of changing the length of term of the Brandywine Regional Police Commission Commissioner-at-Large position, and the procedure in which this position is appointed. Brandywine Regional Police Commission Solicitor, Elizabeth Howard will review the police agreement.

The next Brandywine Regional Police meeting will be held Monday, June 20<sup>th</sup> at 8:00 A.M. Beginning in July, meetings will be held the fourth Monday of every month at the Wallace Township Municipal Building.

**Report: Police Chief - Police Activity Report for May and June 2005**

Chief Kocsi reported on the Regional Police Activity Report for May and June 2005

May 2005

Investigations	169
Traffic Citations	183
Traffic Warnings	37
Traffic Accidents	12
Criminal Arrests	4
Summary Arrests	3

June 2005

Investigations	169
Traffic Citations	223
Traffic Warnings	46
Traffic Accidents	11
Criminal Arrests	3
Summary Arrests	5

The Brandywine Regional Police received a \$1,000 grant from Penn Prime Insurance Company to pay for COP SAFE training, which most of the officers recently attended. The COP SAFE program was developed to teach patrol officers self defense and arrest skills designed to reduce injury to themselves and suspects during hands-on confrontations.

The Supervisors asked for an update on speeders on Caln Meetinghouse Road. Chief Kocsi reported that he has instituted regular patrols of the area and is having officers log their patrols. In addition he will be using the new speed timing device. Unfortunately, this could not be done earlier because of repairs being done to the equipment.

**Report: Fire Company's Activity Report for June 2005**

Mr. Piersol read the Activity Report for the month of June 2005, as submitted by Fire Chief James Witmer. In June there were fifty-three total incidents. In East Brandywine Township there were ten fire calls and seven QRS calls. In West Brandywine Township there were eight fire calls and twenty-five QRS calls.

The Fire Company's summer Chicken Barbeque was held Saturday, July 16<sup>th</sup> and was very successful, despite less than cooperative weather. The Fall Chicken Barbeque will be held Saturday, September 10<sup>th</sup>. Tickets are available at the Township office for \$8.50.

The Fire Company's Fiftieth Anniversary Banquet held at the Revere Tavern was a great success. All three East Brandywine Township Supervisors attended the event and asked Mr. Piersol to thank the Fire Company for their invitations. In addition, two of the Upper Uwchlan Township Supervisors attended the Banquet. Mr. Piersol said that one disappointment was that long-time Township Resident and Charter Fire Company member, Tucker Thomas, wasn't able to attend that evening. He was certainly missed by his fellow firefighters.

The Fire Company sent 163 letters to various businesses and vendors in the Township asking for their support for the Fire Company's Fireworks Display that will be held August 20<sup>th</sup> in conjunction with Fiftieth Anniversary festivities. Mr. Piersol was pleased to announce that as of yesterday, the display will be paid for by the generous donations of these businesses and vendors.

**Subdivision: Decovney**

Mrs. Smedley reported that the Planning Commission is recommending the Board accept an extension to review this subdivision application until September 22, 2005. Mr. Voltz made a motion to accept this extension. Vice-Chairman Fischer seconded the motion, with both voting Aye.

**Land Development: AWI Croppers**

Mrs. Smedley reported that the Planning Commission is recommending the Board grant an extension to review this application until October 20, 2005. If the applicant does not resubmit a plan by that date, it is the Planning Commission's recommendation that the applicant withdraws the plan or the Township takes steps to deny the plan. With that condition, Mr. Voltz made a recommendation to accept this extension. Vice-Chairman Fischer seconded the motion, with both voting Aye.

**Rouse/Chamberlin Conditional Use Decision**

In April of 2005 Rouse/Chamberlin Ltd., equitable owners of a premises in title to the Dilworth Family Limited Partnership, filed an application for a conditional use to use private open space as part of the common open space in a cluster option development under §399-58.C(5)(j) of the East Brandywine Township Zoning Ordinance. The property subject to the application is located west of Dilworth Road in the R-2 Zoning District of the Township, being parcel 36-2-55. The hearing was held on June 2, 2005 at 8:30 A.M. in McCausland Hall. Mr. Stephen Gallo attended the Supervisor's meeting on behalf of Rouse/Chamberlin Homes.

Vice-Chairman Fischer stated he was concerned about item 5.f under the Conclusions of Law, Conditions and Decision. This section states that "the private open space shall be limited to one (1) single-family dwelling and five (5) customary accessory structures, including the existing barn and equipment shed. He was concerned about the type of accessory structures that might be built. Although Mr. Gallo thought the sort of structures that might be built would include an in-law suite or detached garage, there are no provisions in the decision to limit the type of structures that can be built. Mr. Piersol stated there isn't a provision in the Zoning Ordinance to limit the

number or type of accessory structures. Mr. Gallo showed the Supervisors a copy of Exhibit A-4, which shows the limits of where a single family dwelling or accessory structures can be built. In addition item 5.j states that “the single-family dwelling and any accessory structures to be located in the private open space lot shall be sited to best preserve the view sheds, in general accordance with Exhibit A-4 (“Proposed Restrictions Plan”).

Mrs. Kate Okie asked if the metes and bounds for the deed-restricted area on the property have been drawn yet. Mr. Gallo stated this has been done, and will be submitted to the Township as part of the preliminary plan process.

Vice-Chairman Fischer stated that the Supervisors have received some recommendations regarding the property from the Open Space Committee. These recommendations have been reviewed by our Solicitor, John Halsted, who suggested these would be better handled by the Planning Commission during the subdivision process, rather than during the conditional use hearing.

The Supervisors stated the approval would be granted with the following conditions.

- a. The private open space shall be restricted and maintained in accordance with the testimony, representations and exhibits presented at the public hearing by or on behalf of the Applicant.
- b. The applicant shall permit the installation and maintenance of a recreational trail connecting the development to the Hide-A-Way Farms submission in and through the private open space.
- c. The fee in lieu of open space shall be assessed in accordance with Township ordinances.
- d. (Note: There is no “d” in the decision).
- e. The private open space area shall be deed restricted to prohibit further subdivision.
- f. The private open space shall be limited to one (1) single-family dwelling and five (5) customary accessory structures, including the existing barn and equipment shed.
- g. The building envelope and placement of the buildings in the private open space shall be in general accordance with the exhibits and testimony presented at the hearing, and subject to further review and approval by the Board of Supervisors and Planning Commission.
- h. The designated use of the private open space shall be a residential “farmette.” Any change in such use shall be subject to appropriate review and approval by the Township.
- i. The stream and a 100’ riparian buffer area along the stream where it crosses the private open space shall be protected and restored, in accordance with all applicable Township Ordinances.
- j. The single-family dwelling and any accessory structures to be located in the private open space lot shall be sited to best preserve the view sheds, in general accordance with Exhibit A-4 (“Proposed Restrictions Plan”).
- k. Outdoor storage of vehicles, trucks, vans, etc. shall be prohibited in the “Private Open Space Agricultural Preservation Area”.
- l. The Open Space Restrictions proposed by the Applicant in Exhibit A-6 are hereby adopted and incorporated herein by reference.

- m. The applicant shall use reasonable efforts to maintain the existing barn in the private open space.
- n. The applicant shall give reasonable consideration to placing the private open space under a conservation easement.

Vice-Chairman Fischer made a motion to approve the conditional use application, subject to the above conditions. Mr. Voltz seconded the motion, with both voting Aye.

#### **Additional Public Comments**

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

#### **Adjournment**

There being no further business, Mr. Voltz made a motion to adjourn the meeting. Vice-Chairman Fischer seconded the motion, with all voting Aye. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Mary Beth Smedley  
Secretary/Treasurer