

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS  
REGULAR SESSION  
Wednesday, June 21, 2006**

**Those in Attendance:**

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

The East Brandywine Township Board of Supervisors meeting of Wednesday, May 17, 2006 was called to order by Chairman Fischer at 7:30 P.M. at the East Brandywine Fire Company. There were twenty-seven 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.

**Notice** – The Zoning Hearing Board will meet on Thursday, August 3, 2006 at the East Brandywine Fire House at 7:30 P.M. to hear the Sunoco Convenience Store and the Berch Zoning Hearing Applications.

**Notice** – East Brandywine Township's Annual Community Day in the Park will be held June 25, 2006 from 9:00 A.M. to 3:00 P.M. at the East Brandywine Township Community Park on Dilworth Road. Park and Recreation Board Chairman Jim Worrell said there would be pony rides, a rock climbing wall, an auto rescue demonstration, classic cars and the Skycare Helicopter will be there at noon. He encouraged everyone to come out and meet their neighbors.

**Minutes: Board of Supervisors – May 17, 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 May 17, 2006 minutes as presented. Vice-Chairman Voltz seconded the motion, with all voting Aye.

**Minutes: Board of Supervisors – June 1, 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 June 1, 2006 minutes, as presented. Mr. Kirkner seconded the motion, with all voting Aye.

**Minutes:                    Planning Commission Minutes – June 7, 2006**

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

**Minutes:                    Municipal Authority Minutes – May 9, 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 all voting Aye.

**Minutes:                    Municipal Authority Minutes – 13, 2006**

The June 13, 2006 minutes will be available for review at the July 19, 2006 Board of Supervisors meeting.

**Treasurer's Report**

Mr. Kirkner made a motion to approve the Treasurer's Report for the period ending June 21, 2006, and authorize payment of the bills, but abstained from voting on Check #9719. Chairman Fischer made a motion to approve payment of Check #9719. Vice-Chairman Voltz seconded the motions, with all voting Aye.

**Report:                    Township Manager – Report for May/June 2006**

Municipal Building Construction Update - The roof and dormers are in place, which give a better sense of the exterior look of the building. The interior layout has been roughed in, which gives a sense of the interior space. Some of the landscaping has been completed. The project is currently on pace for the Township and Police to hopefully occupy the building in December of 2006. There is still a tremendous amount of work to be done to complete this project, but those who pass the site now can visualize the scale of the new buildings on the site. We have received many comments on the building size, which we explain is due to the projected growth of our community, and our plans to grow into the additional space planned in the building over the next several years.

Mr. VanLew recently discovered the support for the bell in the tower on McCausland Hall is in need of repair. There was some discussion with the Board of removing the bell for display in the atrium area of the new building. Mr. VanLew will be evaluating the costs for repair of the decayed support structure and repainting the bell tower, versus removal of the bell and cosmetic repair, and providing a report to the Board in July.

Family Day in the Park is this Sunday, June 25<sup>th</sup> from 10 AM to 3 PM. The classic car show has been a big hit the past few years, and will be a main attraction again in 2006. The Fire Company has planned a vehicle rescue demonstration for the early afternoon, which demonstrates how a vehicle is dismantled while protecting the safety of the vehicle occupants. Fire extinguisher training will also be provided, and the Fire Company will be raffling off two 5 pound fire

extinguishers donated by Mittal Steel Company of Coatesville. Many fun activities for the entire family have been planned by our Park and Recreation Board and the Cruisin' Classics Car Club, who have been planning this project for the past several months. We are hoping for great summer weather, and a large turnout of visitors to our Community Park.

The Bondsville Mill Committee had their first meeting May 25<sup>th</sup>. They discussed several ideas, and have an ambitious schedule of items to consider for this project, including the historical significance of the buildings and the site, environmental issues, adjacent lands and the status of the bridges providing property access across the Beaver Creek. Grant funding was another important discussion item, and questions have been raised by Committee members about the Township's status as a non-profit entity. Supervisor Kirkner and Mr. Piersol have gathered some information to provide to the Committee, who will be seeking project funding from various sources, including the Huston Foundation Charitable Trust in Coatesville, as Lukens Steel Company manufactured the boilers used in the mill.

Mr. Piersol attended a seminar at the Township Supervisors' Conference in Hershey recently which discussed various reimbursement programs provided by PA DEP. He learned reimbursement is available for significant portions of the cost to update our Act 537 Plan, which occurred in 1999, and the Guthriesville Special Study, completed in 2000, which was one of the first steps in providing public sewage collection for the Village of Guthriesville. We should receive approximately \$16,651.00 in these reimbursements.

Sewage Management Program Update – Implementation of our program has been on hold for several months awaiting the Chester County Health Department implementation of their web-based data collection system. During previous meetings on this subject, it was agreed a single data collection point was the simplest solution for the septage haulers, rather than having the haulers reporting to each municipality, and the County. A condition of the County's licensing is the hauler must agree to report the results of pumping of any septic system, and any subsequent septic system inspections performed. This reporting system has been operational since April of 2005. The County has not made this information available to the municipalities, however, which is a crucial element for our Sewage Management Program. An informational meeting is scheduled for the afternoon of Thursday, July 27<sup>th</sup> to discuss how the County plans to finally make this information available to the individual municipalities. Once that information is known, we can begin to formalize our plans to implement our program, which is designed to monitor on-lot septic disposal systems for proper operation & maintenance. PA DEP also offers grants which reimburse up to 75% of the costs to administer a sewage management program, which includes personnel and administrative costs to implement such a program.

Mrs. Jane Kessler stated that she has been looking at the Township Minutes on the web site for costs related to the new Township municipal complex. Chairman Fischer suggested that she contact Mr. Piersol or Mrs. Smedley for that information.

**Report:                      Building Inspector/Zoning Officer – Report for May 2006**

Mr. Piersol read the Building Inspector/Zoning Officer's Report for May 2006. There were twenty-three building permits issued, twelve use and occupancy permit issued, and eighty-six inspections conducted during the month. The total fees collected were \$14,402.60.

**Report: Brandywine Regional Police Commission**

The June Regulation Session Meeting will be changed from Monday, June 26<sup>th</sup> to Wednesday, June 28<sup>th</sup> and there will be a Regular Session Meeting on Monday, August 7<sup>th</sup>. Both meeting will be held at the Wallace Township Municipal Building at 8:00 A.M. The meetings scheduled for July 28<sup>th</sup> and August 28<sup>th</sup> have been cancelled.

The police K-9 Varius (Vic) has been retired. Officer John Williams was allowed to purchase him for the amount of \$1.00.

**Report: Police Chief - Police Activity Report for May 2006**

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

Investigations	164
Traffic Citations	237
Traffic Warnings	19
Traffic Accidents	9
Criminal Arrests	5
Summary Arrests	3

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

Burglary/Criminal Trespass	1
All Assaults	0
Theft/Fraud	12
Disorderly Conduct/ Harassment	3
Disturbances	6
Suspicious Activity/ Persons	21
Domestics	1
Criminal Mischief	4
Juvenile Complaints	1
Missing Persons/ Runaways	1
Driving Under the Influence	1
Fugitive Warrants	0
Drugs	2
Other	1

Officer Joe Glasgow has safely returned from Reserve Duty in Kuwait. He and Chief Kocsi attended an assembly at the Brandywine-Wallace Elementary School. Officer Glasgow thanked the 5<sup>th</sup> grade students for the e-mails, letters and gifts they sent him while he was away. He presented the school with a military certificate and an American Flag, which had flown over the Base in Kuwait.

May was "Buckle Up" month. The Brandywine Regional Police, in conjunction with COAD conducted seat belt check points and counts during the month.

During the last few weeks there have been many complaints about speeding and other traffic concerns. Chief Kocsi wanted to assure everyone that the Police Department is trying to address all the complaints and are making personnel and scheduling changes to try and get more patrol hours assigned to handle these problems.

There have been instances of illegal solicitors during the past few weekends. Solicitors should have a picture I.D. and the Police Chief's business card that is stamped and signed. Chief Kocsi stated that if there are concerns, residents should contact the Police Department.

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

Mr. Piersol read the Activity Report for the month of May 2006, as submitted by Fire Chief Robert Zynn, Jr. In May there were sixty total incidents. In East Brandywine Township there were nine fire incidents and sixteen EMS incidents. In West Brandywine Township there were twelve fire calls and sixteen QRS calls.

The Fire Company will be in attendance at the Community Day in the Park. Mr. Piersol stated the Fire Company volunteers are looking forward to the event, not only to provide education to the public, but also to hopefully interest residents in volunteering their time and talent to their organization.

**Agreement for Construction and Operation of Community Sewage Facilities between East Brandywine Township, the East Brandywine Township Municipal Authority and Pulte Homes.**

Mr. Ray Grochowski and Theresa Lemley, Esq. attended the meeting on behalf of Pulte Homes. This Agreement allows for the construction of a community sewage treatment facility at the Applecross Development. This treatment plant will serve the Applecross Development, possibly homes in the Village of Guthriesville and the Hopewell Development, and other future development in the western portion of the Township. Chairman Fischer asked if there were comments from the audience. Mrs. Jane Kessler asked if the Agreement could be seen on the web site. It is not on the web site. She then asked about where the effluent would be discharged. The primary discharge area is the proposed golf course. There will be backup drips field and there is an approval for stream discharge for emergencies only. Large lagoons will be constructed that can store the effluent between 120 and 150 days in the winter. Mr. Carl Walker raised concerns about how water provided to this development would affect the water table.



Rothman Tract – The Planning Commission is recommending the Board accept an extension to review this subdivision until September 29, 2006. Mr. Kirkner made a motion to accept this extension. Vice-Chairman Voltz seconded the motion, with all voting Aye.

### **MacBrine and Forrest Properties in the Village of Lyndell**

Mr. Carl Walker approached the Board to discuss these properties in the Village. He stated that although he is a member of the East Brandywine Township Open Space Committee he did not represent them in this matter, but was before the Board as a private citizen. Mr. Walker proposed that the Board consider the purchase of the 4.2 acre MacBrine property, and possibly the 2.0 acre Forrest property to be used as a park. He stated that the greenhouses which have been an integral part of Lyndell for many years have closed. He provided the following information:

- Mr. Walker considers this to be an ideal site for a passive park – nestled in a cool valley, surrounded by trees.
- There may be grants available for the purchase of the property
- The land borders Culbertson Run (which feeds the Brandywine Creek) on both sides for a significant distance.
- Mr. Walker feels a park would enhance the Village and that other uses may detract from the village atmosphere.
- Purchase of the property would help preserve open space.
- According to Mr. Walker, the properties have historical value. The Brooklyn Woolen Mill was located on the Forrest property. Lyndell was previously named Brooklyn. After material shipments were mistakenly sent to Brooklyn, NY, the village was renamed "Lyndell".
- It would be a convenient starting/stopping point for people walking/biking the proposed extension of the Struble Trail and it would be a convenient resting point for bicyclists riding the Creek Road Bicycle Route. It could also provide parking for people accessing the proposed trail extension.
- Water, septic system and electricity are already on-site and could be utilized for rest rooms and drinking water for park and trail users.
- Mr. Walker feels the MacBrine property could be easily cleared.
- Mr Walker stated that some seed money (\$1,000) has already been offered for the development of a park in this area.

Mr. Walker was asked about funding sources. He stated that in addition to grants, possibly money from the Open Space Referendum Fund or the fee-in-lieu of open space could be used. He also suggested that funds could be raised privately. He approached the County about their interest in the property and was told that although they would be interested in this area being a park, they thought it may be too small for them to purchase. The Township can only pay the

appraised value of a property. Although Mr. MacBrine has indicated the property has been appraised, he stated the appraisal was "too broad". Mr Walker was asked by Mr. MacBrine to come back to see him in two weeks to discuss this.

Mr. Ed Kozlowski was concerned about possible liability issues. The properties are located near a very dangerous intersection. It would be a very tough intersection to cross. Mr. Walker mentioned constructing an underpass or walkway; the area is probably too wet to allow for construction of an underpass.

Mr. Larry Crossan stated that he thought at least investigating purchase of the properties was a good idea, but did suggest that purchase of both parcels should be considered.

Mrs. Kate Okie stated that the site would be very interesting as a passive park. She also noted that there were some exciting elements to the property. The Brooklyn Mill dates back to 1868.

Mr. Bud Thomas asked if Mrs. Forrest has been approached about her property. Mr. Walker has not spoken to her.

Mr. Walker stated that he has spoken to the Open Space Committee about this property, but they are working on other parcels and have tabled consideration of these properties for the time being. He also wanted to see if the Park and Recreation Committee were interested in the properties. They are also very busy with other projects.

Ms. Cathy Kettley stated she rides the Struble Trail and thinks this would be a good place for a park. She said there are no rest rooms or water facilities along the Struble Trail. Currently the Struble Trail stops at Dorlan Mill Road, approximately 2.5 miles east of the MacBrine property. Chairman Fischer noted it could be many years before the Struble Trail was open in that area. Mrs. Okie stated that there were times when municipalities purchase land and just held onto it, waiting for the right time to do improvements.

It was noted that there were two parks nearby, the Community Park on Dilworth Road and the Marsh Creek Park. There are also two parks in Wallace Township that are nearby. Mr. Walker stated that the Marsh Creek Park was approximately one mile away and the road was sloped.

Mr. Bill Inslee suggested that maybe the owner of the MacBrine property would want to retain residency on the site. This could be used as leverage in purchase of the property. Mr. Walker said that he had spoken to Mr. MacBrine about remaining there. He stated there might be opportunities to allow a small business to rent space on the property.

Mr. Jim Worrell, Chairman of the Park and Recreation Board stated that although the Park and Recreation Board would always support a park, they are committed to new construction of 30 acres at the Community Park on Dilworth Road, and that the 25 acres recently purchased on Bondsville Road would also require a lot of time and money. He polled members of the Park and Rec Board about the Lyndell properties. Five out of eight members responded and unanimously felt that their efforts should be focused on the already-acquired parcels. He stated that construction of a park in this area would currently be a very low priority.

Mr. Donald Leong stated he would like the Open Space Committee to consider recommending the purchase of this property.

Mr. Kozlowski suggested that it might be a site for a country store. Mr. Walker thought possibly the Township could purchase the property and if someone was interested in buying it for that purpose, it could be sold. Mr. Crossan didn't think that the Township should be in the business of purchasing real estate and then selling it.

Chairman Fischer asked Mr. Walker what he was asking the Board to do. Mr. Walker would like the Board to consider purchase of the property. He said there aren't places for children to play in Lyndell and this property could be an asset. While the Board agreed that it would be a nice place for a park, they didn't feel they were given enough information to make a decision. Mr. Walker was asked if he knew the amount Mr. MacBrine was looking for the purchase of the property. He doesn't, but again stated he would be meeting with Mr. MacBrine within the next two weeks. Chairman Fischer feels that it is the Township's obligation to use funds for parks where they will benefit the most people. Mr. Walker stated that he will try to get more information for the Board to consider and will continue to pursue this matter as a private citizen. The Board would be interested in knowing the appraised value of the property. If Mr. MacBrine does have the property appraised, it was suggested that he makes sure the appraiser is certified.

### **Adjournment**

There being no further business, Vice-Chairman Voltz made a motion to adjourn the meeting. Chairman Fischer seconded the motion, with all voting Aye. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

Mary Beth Smedley  
Secretary/Treasurer