

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, May 18, 2005

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
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Wednesday, May 18, 2005 was called to order by Chairman Kirkner at 7:35 P.M. in McCausland Hall.

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. Mr. Bob Lynch discussed his concerns about speeders on Caln Meetinghouse Road. He said that motorists were traveling well over the speed limit and he was frustrated because they couldn't be ticketed until they were clocked going 45 mph, which is 10 miles over the posted speed limit. He went on to say that the Caln Township portion of Caln Meetinghouse Road was posted at 25 mph and wondered why the East Brandywine portion of the road was posted at 35 mph. He thought that the road could be posted at 25 mph under Act 151. It was explained that Caln Meetinghouse Road did not meet that criteria; there needed to be a certain density of homes for a road to be posted under Act 151. In addition, two speed studies were conducted on Caln Meetinghouse Road. Using the 85th percentile standard, as required by the State of Pennsylvania, Caln Meetinghouse Road could not be posted at 25 mph. If an additional study were done, there is always a possibility that the speed limit might even be raised higher. Mr. Lynch then wondered why the Rt. 30 By-pass was posted at 55 mph; 55 mph is the maximum speed limit allowable for limited access highways. Vice-Chairman Fischer stated that different criteria are used to set the speed limit for highways. Chief Kocsi stated the speed trailer was placed on Caln Meetinghouse for two days last week, and said that he would have it placed there on a more frequent basis. He also said that the Police Department has purchased a new speed timing device called ENRADD, which will replace the ESP system currently in use. He expects the new system will be more effective on Caln Meetinghouse Road. Once the Department training is complete, he will schedule speed details. Chief Kocsi stated that although the Police Department would not be conducting an additional speed study, he would have Sgt. Pence conduct a speed survey near Mr. Lynch's home. Mr. Lynch thanked the Board and Chief Kocsi for their consideration.

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

Minutes: Board of Supervisors – April 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 April 20, 2005 minutes as presented. Mr. Voltz seconded the motion, with all voting Aye.

Minutes: Board of Supervisors – May 5, 2005

Chairman Kirkner asked if there were any additions or corrections to the above minutes. There were none. Mr. Voltz made a motion to approve the May 5, 2005 minutes, as presented. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Minutes: Planning Commission Minutes – May 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 minutes as presented. Mr. Voltz seconded the motion, with all voting Aye.

Minutes: Municipal Authority Minutes – April 12, 2005

Chairman Kirkner 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 April 12, 2005 meeting, as presented. Vice-Chairman Fischer 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 May 18, 2005, and authorize payment of the bills. Mr. Voltz seconded the motion with both voting Aye.

Report: Township Manager – Report for April/May 2005

We have been working with Caln Township on plans to meet with PennDOT to discuss a flashing light on Rock Raymond Road prior to the downhill approach to a super-elevated curve, located in Caln Township. Representative Curt Schroder initiated the suggestion, and recently provided a letter to us, pledging \$10,000.00 toward the installation of the light. We are still in the early stages of planning this project. Manager Greg Prowant is obtaining pricing for budgetary purposes, and will schedule a meeting with PennDOT and Representative Schroder to discuss the process. Preparation of an application to PennDOT for the flashing light will be required. The Police Departments have the expertise to conduct the necessary traffic study needed for such a request.

Mr. Piersol was pleased to announce that Michael DiLeo has agreed to assume responsibility for our Township web site. Mr. DiLeo will meet with Mr. Piersol and Mrs. Smedley next Monday to begin the transition from our previous web master, John Bryer. Mr. DiLeo indicated he has

several ideas he would like to share with us on improvements he would propose for our web site. Updates should occur early in June.

Mrs. Smedley and David Summers of our Park & Recreation Board are working on a second grant application to the County Park and Recreation Department for construction at Phase III of the Community Park. We were successful in obtaining funding from the County and DCNR for the initial construction phase, and are hopeful this grant will also be approved by the County. Deadline for submission of this application is June 30th.

Planning for our new Municipal Complex continues at a fast pace. We met this morning to discuss ideas for the interior building finishes, and will meet in two weeks to see the revisions we discussed.

We are still hopeful of gaining final plan approval in June, and beginning the bidding process soon afterward. Bids would be due on or about July 19th, with 30 days for bid review, and bid award on or about August 19th. Start of construction would occur in late August or early September.

Moving from our present facilities would begin in late June. Mr. VanLew drafted an initial checklist of items to be done in preparation for the move. The Police would move to the Laird Professional Building on July 7th and 8th. Moving the Township Administration office would occur around July 11th.

Asbestos abatement must occur in both the Police and Township buildings. Proposals for the asbestos abatement work are to be received by the end of this month. Building demolition cannot begin until the asbestos abatement work is completed.

Once we are certain of the moving schedule, we will be advertising changes in the public meeting schedules. Most of the meetings will occur at the East Brandywine Fire Company facility at 2096 Bondsville Road. Some of the smaller Committee meetings will occur in the open area of the Township office at the Laird Professional Building.

We expect there will be some bumps in the road during this transition period. We hope to minimize the problems to the greatest degree possible for our residents and staff.

Work continues with the Brandywine Conservancy on preservation through a conservation easement and fee simple purchase of approximately 80 acres of the White Acres Farm along Creek Road and Dowlin Forge Road. This is a unique situation as a portion of this property (1.56 acres) is located in Uwchlan Township, and 4.5 acres are in East Caln Township. Mr. Piersol met with Jack Stefferud of the Natural Lands Trust and Bill Gladden of the Chester County last week to discuss a grant application through the County's Preservation Partnership Program for this purpose. We were successful working with NLT and Mr. Stefferud on the Tischler property conservation easement acquisition and grant application, so Mr. Piersol decided to request they work with us on this project. He received a draft proposal from NLT this afternoon, which was provided to the Board tonight.

The estimated cost for the grant work is \$10,000. There would be additional costs of \$3,500 for legal review and document preparation, and a \$7,000 endowment for management of the easement. Some of the costs associated with this process are reimbursable through the County grant program. Much of the same information will be submitted to DCNR in a separate application later this year for this project. Because the County grant application is due by June

30th, Mr. Piersol requested the Board's authorization to sign the work agreement with NLT pending further review.

After review of the agreement, Vice-Chairman Fischer made a motion to approve signing the agreement to National Lands Trust. Mr. Voltz seconded the motion, with all voting Aye.

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

Mr. Piersol read the Building Inspector/Zoning Officer's Report for April 2005. There were five building permits issued, four use and occupancy permits issued, and thirty-three inspections conducted during the month.

Report: DARC

Mr. Voltz reported that DARC is in the process of developing a website. Each participating municipality will be able to advertise special events and other items of interest on the site. Mr. Voltz will have DARC Executive Director Mike Serzan coordinate this with our new webmaster. Mr. Piersol has already spoken to Mr. Serzan about placing a link to DARC on our website.

Report: Brandywine Regional Police Commission

Brandywine Regional Police has hired Mr. Michael McBride as a part-time police officer. He has taken both his psychological and physical tests and has cleared his background check. Mr. McBride is currently a part-time police officer working in Parkesburg.

Report: Police Chief - Police Activity Report for April 2005

Chief Kocsi read the East Brandywine Township monthly activity report for April 2005, as follows:

Investigations	155	Traffic Citations	207
Traffic Warnings	59	Traffic Accidents	10
Criminal Arrests	4	Summary Arrests	1

Brandywine Regional Police has been notified that they will receive a \$10,000 grant approved by State Representative Curt Schroder. This grant will be used to purchase truck weighing scales, a joint purchase with West Brandywine Township. The Brandywine Regional will own three of the scales and West Brandywine Township will own six scales.

Report: Fire Company's Activity Report for April 2005

Mr. Piersol read the Activity Report for the month of April 2005, as submitted by Fire Chief James Witmer. In April there were forty-four total incidents. In East Brandywine Township there were six fire calls and sixteen QRS calls. In West Brandywine Township there were fourteen fire calls and nineteen QRS calls.

The Fire Department purchased a 2005 Chevrolet Suburban that was put into service as the new QRS vehicle on April 29th. The vehicle previously used is now being outfitted as a manpower and command vehicle.

The Fire Company's next summer Chicken Barbeque will be held Saturday, July 16th.

Zoning Hearing: Sotheran/Barnett Zoning Hearing

The Zoning Hearing Board of East Brandywine Township will meet on Thursday, June 2, 2005 at 7:30 P.M. in McCausland Hall, 1214 Horseshoe Pike, to hear the application of George Barnett and Annette Sotheran for permission to use the first floor of the building known as the Lyndell Country Store for the purpose of infant and toddler care. The applicants propose to live on the second floor of the property. The property is owned by TCGW Limited Partnership and is located at 1081 Creek Road, Lyndell, Pa. The property is located in the VC Village Commercial Zoning District. The applicant is requesting a special exception pursuant to Section 399-390.B(1) of the Zoning Ordinance which allows the Zoning Hearing Board to permit uses of the same general character as uses specifically permitted by Section 399-39A of the Zoning Ordinance.

Ms. Sotheran, who will be joint owner of the daycare, stated that, if approved, she plans to accept up to six children in the daycare and eventually accept twelve children after all proper permits and licenses are received from the State. The daycare will not be expanded beyond accepting twelve children. Initially, the daycare will employ Ms. Sotheran and a part-time aide. As the daycare grows, she plans to also employ a full-time teacher. The proposed outdoor play area is an elevated deck. The daycare will be on the first floor. Ms. Sotheran and her family will occupy the second and third floors.

There will be three parking spaces available for staff, which includes one owner space, on the side yard next to Creek Road. It is expected that parents will only park briefly to drop off or pick up their children. There are also designated parking spaces for patrons using the Lyndell Post Office, which is open from 8 A.M. to 5 P.M. Monday through Friday. In addition, Ms. Sotheran stated that she has the permission of the owners of Lyndell Landscape and Supply to use their property for additional parking, if needed.

At their May 4th meeting, the Planning Commission supported the concept of a daycare in the Village Commercial District, but remained very concerned about parking. The area of Creek Road and Highspire Road is heavily traveled and is considered a very hazardous stretch of road. They thought that ingress and egress might be difficult. It was suggested that the applicant consider segregating the daycare parking from the Post Office parking or possibly have cars pull off on the Lyndell Road side of the property, rather than Creek Road.

Although the Planning Commission was not opposed to the daycare, they didn't feel they had enough information to render an opinion. They asked Ms. Sotheran to provide an overall site plan, along with a parking and traffic circulation plan for their review at least two weeks prior to the next Planning Commission meeting. With this information, the Planning Commission will give their opinion at the June 1st Planning Commission meeting.

Ms. Sotheran provided the Supervisors with a drawing showing a proposed traffic pattern for the property. The plan shows four parking spaces; one handicapped space, one space reserved for child care, one space reserved for the post office and one unreserved space. Cars will enter from Creek Road and exit from Lyndell Road. Staff will not be allowed to park in this area.

Parking will be provided for personal vehicles on the Creek Road side of the property. Signs will be erected so that patrons of the post office and daycare will be aware of the traffic circulation. The parking spaces will be lined and marked. The applicant has agreed to construct some sort of barrier between the road and the property as a safety measure. It was suggested that they consider a guardrail. If there are issues that need to be reviewed by PennDOT, it is the responsibility of the applicant to contact them.

The Supervisors were concerned about the septic system's ability to operate properly with a daycare facility on site. Ms. Sotheran stated that most of the children would be in diapers so there shouldn't be a problem with the system. She also said that the system is pumped approximately every three months.

Although there is no current requirement for an outdoor play area the applicant has designated a deck on the property for that purpose. Ms. Sotheran and Mr. Barnett plan to extend the deck so that it would be 25 feet from the property line in what is considered the front yard; this extension would require zoning relief. In addition, they plan to construct a handicapped accessible ramp that does not meet the required setbacks in the VC District. Although this information was not provided on the zoning application, it was agreed that Ms. Sotheran and Mr. Barnett can formally amend their application at the June 2nd hearing. Ms. Sotheran will provide information on the deck and ramp prior to the hearing for review.

The Supervisors remain concerned about traffic and parking for the property and believe there are constraints on the property that should to be taken into account. Prior to taking a position for the Zoning Hearing Board's consideration, they asked Chief Kocsi to arrange a visit to the site and give an opinion regarding traffic, parking and placement of the handicapped ramp. The Supervisors will consider this matter again at their June 2, 2005 Work Session at 7:30 A.M.

**Resolution: Resolution 05-08 – Chester County Park Facilities Grant Resolution
Community Park – Phase III**

This Resolution approves the filing of an application for the Chester County Landscapes 21st Century Fund Grant Program for construction of Phase III of the Community Park on Dilworth Road and authorizes Mr. Piersol to execute and file the appropriate forms with the Chester County Parks and Recreation Department. Chairman Kirkner asked if there were comments from the audience. There were none. Mr. Voltz made a motion to adopt Resolution 05-08. Vice-Chairman Fischer seconded the motion, with all voting Aye.

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Subdivision: Brandywine Heights

Mrs. Smedley reported that the Planning Commission is recommending the Board accept an extension to review this subdivision application until October 31, 2005 contingent upon the applicant scheduling a meeting, no later than July 15, 2005, with East Brandywine Township and Caln Township to discuss their progress with the application. Vice-Chairman Fischer made a motion to accept the extension until October 31st, contingent upon a meeting being scheduled with the applicant, as outlined above. If the meeting is not scheduled the Supervisors will only accept an extension until July 31, 2005. Mr. Voltz seconded the motion, with all voting Aye.

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. Mr. Voltz seconded the motion, with all voting Aye. The meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer