

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS  
REGULAR SESSION  
Wednesday, November 17, 2004**

**Those in Attendance:**

David A. Kirkner, Chairman  
Jay G. Fischer, Vice-Chairman  
Scott T. Piersol, Township Manager  
Mark Kocsi, Chief of Police  
Mary Beth Smedley, Secretary/Treasurer

**Absent:**

Hudson L. Voltz, Member

The East Brandywine Township Board of Supervisors meeting of Wednesday, November 17, 2004 was called to order by Chairman Kirkner at 7:30 P.M. in McCausland Hall.

**Opening of Meeting**

Chairman Kirkner opened 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/Reports**

**Minutes: Board of Supervisors – October 20, 2004**

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 October 20, 2004 minutes, as presented. Chairman Kirkner seconded the motion, with both voting Aye.

**Minutes: Board of Supervisors – Work Session – November 4, 2004**

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 November 4, 2004 meeting, as presented. Chairman Kirkner seconded the motion, with both voting Aye.

**Minutes: Planning Commission Minutes – November 3, 2004**

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 November 3, 2004 meeting, as presented. Chairman Kirkner seconded the motion, with both voting Aye.

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**Minutes:                   Municipal Authority Minutes – October 12, 2004**

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 October 12, 2004, meeting, as presented. Chairman Kirkner seconded the motion, with both voting Aye.

**Minutes:                   Municipal Authority Minutes – November 9, 2004**

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 November 9, 2004, meeting, 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 November 18, 2004, and authorize payment of the bills. Chairman Kirkner seconded the motion, with both voting Aye. Approval of check #8466 was deferred until the December 2<sup>nd</sup> Work Session.

**Report:                       Township Manager – Report for October/November 2004**

Bids are being solicited for a new municipal waste and recycling collection contract beginning January 1, 2005. The Contract will be for a period of either three or five years. Sealed bids will be accepted until 4:00 P.M. on Wednesday, December 1, 2004, at which time the bids will be opened. Bids will be publicly announced at the Board of Supervisors' Work Session on Thursday, December 2<sup>nd</sup>, with a decision on the bid award to occur after review of the documents for compliance with the specifications.

Refuse & Recycling Fee collection letters were mailed November 11<sup>th</sup> to over 250 property owners, seeking payment of delinquent fees for service since 2000. Our tax collector has received many calls from property owners in the past several days. The total amount owed with penalties is over \$71,000. Several residents are indicating they had not received bills in 2004, or their checks have never cleared. In those cases, or as an incentive to expedite payment, all or some of the penalties are being waived. Because of the number of phone calls she is receiving, our tax collector has asked that callers provide both a day and evening telephone numbers with their messages, so she can contact them with answers to their questions.

PECO Energy representatives met with the Supervisors at their December 4<sup>th</sup> Work Session to discuss their progress in improving service reliability in the Township. East Brandywine and Wallace Townships filed a complaint with the Public Utility Commission when PECO Energy sought to merge with Unicom of Chicago, due to service reliability issues. Due to this joint PUC complaint, PECO Energy has been working on improving their energy delivery infrastructure. The Township agreed that significant improvements have been made. Additional system enhancements are being made. We did discuss the issue of improving communications between

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PECO and the Township during outages and road closures. Also discussed was an on-going reliability issue in the Tunbridge development with service interruptions, and a PUC filing made by Leah Gluchoff, one of the residents living in the development. Greg Cary from PECO Energy will contact and work with Mrs. Gluchoff regarding these issues, and will copy any correspondence sent to her or other residents in similar situations. The Supervisors were satisfied with the progress made since the Townships' intervention.

We met Monday with the Tischlers to discuss their concerns about the easement document and the proposed location of the trail easement, which appears to be resolved. Mr. Piersol has another meeting with them Thursday morning, and expects to discuss a date to settle on the purchase of the conservation easements, along with the Natural Lands Trust, and the fee-simple purchase of a two-acre parcel, in mid-December.

Notices for residents in and around Guthriesville to connect to the public sewer collection system began earlier this month on a limited basis. Mr. Piersol expects we will see a few connections before winter weather occurs. The Municipal Authority assumed ownership and maintenance responsibilities of the pump station on Bondsville Road on October 1<sup>st</sup>. Requests for proposals to operate the Keat's Glen/Community College wastewater treatment plant, and oversee the maintenance of the pump station will be advertised in the near future. Because the Municipal Authority is now an actual operating authority, its revenues and expenses will begin to be separated from the Township's finances.

Aqua Pennsylvania has been installing fire hydrants in existing developments where their company provides public water. Mr. Piersol had requested they determine whether these installations were feasible two years ago as they were upgrading their infrastructure to provide water for fire protection in other developments. The Township currently pays a quarterly rental fee for these hydrants. Mr. Piersol is proposing a hydrant tax for those residents who benefit from these installations. Because the fire protection rating class is lowered due to the presence of fire hydrants, property owners benefit from reduced fire insurance premiums. The hydrant tax should be small compared to the insurance premium reduction.

Municipal Building update – the Supervisors and Building Committee met last week with Architect Patrick Szustak and representatives of Wohlsen Construction to discuss our situation with the municipal building construction. We had a very positive meeting, and several ideas were shared on ways to reduce the cost of the project including a shared kitchen, meeting rooms, etc. One suggestion was to construct a one-floor building with McCausland Hall as its anchor, which was depicted in sketch form. The Supervisors asked both firms to provide proposals to the Township for our consideration. Other firms have contacted us indicating an interest in this project. We have scheduled a meeting with one other firm to discuss their thoughts on how to get this project started forward again in a direction that meets our budget constraints.

A reminder about the public auction of the Moore property adjoining our municipal campus next Tuesday, November 23<sup>rd</sup> at 4 pm in McCausland Hall. The property is within the Village Commercial District, which offers opportunities for adapting this residential structure for a neighborhood commercial use, or combination of up to three permitted commercial or residential uses. Anyone interested in learning more about the property may contact the Township Office. The final open house will occur during the early afternoon prior to the auction.

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**Report: Building Inspector/Zoning Officer – Report for October 2004**

Mr. Piersol read the Building Inspector/Zoning Officer’s Report for October 2004. There were 17 building permits issued, 17 use and occupancy permits issued, and 76 inspections conducted during the month.

**Report: Brandywine Regional Police Commission**

Mr. Kirkner reported that there was not a meeting of the Brandywine Regional Police Commission in October. The next meeting is scheduled for Monday, November 22, 2004 at 8:00 A.M. in the Wallace Township Municipal Building.

**Report: Police Chief - Police Activity Report for October 2004**

Chief Kocsi read the monthly activity report for October 2004, as follows:

Investigations	191	Traffic Citations	213
Traffic Warnings	52	Traffic Accidents	12
Criminal Arrests	3	Summary Arrests	3

Chief Kocsi reported that the Police Department is still conducting the traffic study for Brantwyn Drive and Waring Drive. A report should be ready for the Supervisors to review by the December 15<sup>th</sup> meeting.

**Report: Fire Company’s Activity Report for October 2004**

Mr. Piersol read the Fire Company Activity Report for the month of October 2004, as submitted by Fire Chief James Witmer. There were 22 total fire calls and 46 total QRS calls.

Beginning November 27<sup>th</sup> the East Brandywine Fire Company will begin selling Christmas Trees Wednesday evenings from 6:00 P.M. to 9:00 P.M. and Saturdays and Sundays. This has been a very successful fundraiser for the Fire Company in past years.

The East Brandywine Fire Company has appointed a Building Committee to investigate future building needs.

**Zoning Hearing: Donia Hearing, December 2, 2004**

The Zoning Hearing Board will meet on Thursday, December 1, 2004 at 7:30 P.M. to hear the application of Peter and Valerie Donia to construct a mother-in-law suite on their property for Mrs. Donia’s parents. The plan is to add a third garage bay to the existing garage, and construct an in-law suite above the garage. Access to the suite would be either from the second-floor deck or through the new garage bay. Mr. Donia has contacted the Chester County Health Department regarding the septic system. Since the plan is to turn one of the existing bedrooms into a study, the applicant does not need to obtain a septic certification. At their November meeting, the Planning Commission took no position on this application. Vice-Chairman Fischer asked

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if the applicant agrees to sign and record a Memorandum of Understanding that states the following:

1. An accessory dwelling may be occupied by not more than two (2) persons. A single occupant or, in the case of two occupants, one of the two, must be related by blood, marriage, or adoption to the owner of the principal residence.
2. One of the two dwelling units shall be occupied by the owner of the lot on which both proposed dwelling units are to be located.

Mrs. Donia agreed to that stipulation. With that agreement, the Board of Supervisors took no position on the application.

**Zoning Hearing: Grubb Hearing, December 2, 2004**

The Zoning Hearing Board will meet on Thursday, December 2, 2004, directly following the Donia Hearing, to hear the application of Joseph and Sandra Grubb to construct a retaining wall and shed. The location of the shed does not meet the front-yard setback in the R-2 Zoning District. The shed is located approximately 34' from the centerline of the road. To meet right-of-way requirements and zoning setback requirements the shed should be located 66 ½' feet from the centerline of the road. Mr. Grubb began construction of the retaining wall because of erosion problems in that portion of the property. He is constructing the shed to store lawn and garden equipment. The property does not have a garage. There are no plans to ever expand the size of the shed. Mr. Grubb provided pictures of the shed from different locations on the property and from the road. He pointed out that the shed is barely visible from the road.

According to Mr. Grubb, there are constraints on the property as to where the shed can be placed because the location of the driveway, steep slopes and placement of his well and septic system. As requested by the Planning Commission, Mr. Grubb provided a plan that shows how far the shed is from the centerline of the road, and also shows contours of the property so the Board can get of sense of the steepness of the slopes. After review of the plan, the Board of Supervisors took no position on the application.

**Zoning Hearing: Sciandra Hearing, December 2, 2004**

The Zoning Hearing Board will meet on Thursday, December 2, 2004, directly following the Donia and Grubb Hearings, to hear the application of James and Aleen Sciandra to construct a first floor addition that will include a bedroom, bathroom, walk-in closet and laundry room. Mr. Sciandra also plans to add an additional 1 car garage that will be used as a storage area for lawn equipment. Mr. Sciandra stated that all bedrooms and the main bathroom are located on the second floor. Since he and his wife are getting older they would like to have a bedroom and other amenities on the first floor. The proposed addition will not meet the requirements for side yard setback lines in the R-2 Zoning District. Mr. Sciandra provided a plot plan showing the proposed addition being 25' from the side yard lot line rather than the 40' required by Ordinance.

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The Planning Commission asked if the applicant had applied for a septic certification since he would be adding a bedroom. Mr. Sciandra has contacted the Chester County Health Department and was told that his septic system is large enough to accommodate a fifth bedroom. His septic system was upgraded five years ago; he has a 950 feet of seepage bed in two separate locations and a 1,500 gallon tank. The Board of Supervisors took no position on this application.

### **Subdivision: DeCovny Tract**

Mrs. Smedley reported that the Planning Commission is recommending the Board accept an extension to review this subdivision application until December 31, 2004. Vice-Chairman Fischer made a motion to accept the extension until December 31<sup>st</sup>. Chairman Kirkner seconded the motion, with both voting Aye.

### **Resolutions: Resolution 04-19 Readopting the Agricultural Security District**

Mrs. Smedley reported that adopting this Resolution is the final step in completing the Seven Year Review of the Agricultural Security District. The revised District has been reviewed by the Chester County Planning Commission, the East Brandywine Township Planning Commission and the Agricultural Security Committee. All three committees are recommending the Board of Supervisors readopt the Agricultural Security District. Vice-Chairman Fischer made a motion to adopt Resolution 04-19. Chairman Kirkner seconded the motion, with all voting Aye.

### **New Business: 2005 Budget**

Mr. Piersol presented the following overview of the General Fund and the State Fund.

#### General Fund Revenues

Revenues in 2005 will increase slightly over 2004 revenues. Building permit fees will continue to rise due to the projected construction that is expected to continue next year, and for several years due to various development projects that are expected to occur. Resident connections to the Guthriesville sewer project have begun, although the use fees charged to the residents connected to the system will be an income for the Municipal Authority, which is now operating the wastewater treatment facility for the Keats' Glen/ Community College site, and the Guthriesville sewer pumping station. Because of new construction, we anticipate a continuation of the increase in the earned income taxes. A significant increase will occur again in late spring, once the Berkheimer returns are filed, or with interim real estate tax filing which occurs several months after the new properties settle, and the County assessment figures are finalized.

The repayment costs for our new municipal campus, although currently being revised, begin in earnest in Fiscal-Year 2005. Mr. Piersol expects the real estate and earned income tax revenues will cover this expense. We will have significant grant revenues in 2005 from open space acquisitions and the possible start of construction in Phase III of our Community Park.

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The Supervisors agreed to review the real estate tax rate during the final 2004 budget presentation in December of 2003. At this time, due to the uncertainty of the ultimate cost of our municipal building project, and some of the revenue sources, Mr. Piersol would recommend the millage rate remain at 1.5 mills pending further review and discussion prior to the final budget adoption in December.

Revenues from all sources are projected to be \$3,614,950.00, with an anticipated year-end General Fund balance of \$274,000.00.

### General Fund Expenses

Public safety costs will increase by 10.89% overall, or \$147,464.00. This is partially due to a shift in cost allocation from Wallace Township due to the work done by the Police Department in East Brandywine Township. Legal and engineering fees for land development projects will continue as a significant expense in 2005. Developers reimburse the majority of these fees for engineering plan reviews, but not legal expenses. Health care costs will increase approximately \$26,000 in 2005, which has occurred industry-wide. The replacement of the Buck Road Bridge is scheduled to occur in 2005, at a cost of \$165,000.00. Roadmaster Matthew VanLew has requested this project be paid for through the General Fund, since use of State Liquid Fuels funds allocated to our State Fund would increase the project cost significant due to numerous PennDOT requirements for a bridge project. Total expenses are projected to be \$3,222,999 net of the portion of projected building project expenses expected to occur during 2005. We would anticipate the construction project would not be completed until 2006.

### State Fund Revenues

A 2.9% increase in the State Liquid Fuels allocation is anticipated, unless the Legislators increase the Gas Tax and share additional liquid fuels monies with the local municipalities, which is still an issue being discussed. We have been requesting restoring a 25% share of this tax for many years, since a majority of the roads are owned and maintained by local government, yet the funding to maintain the roads through this annual allocation is never sufficient to cover those costs. The Year-End 2004 State Fund balance is anticipated to be \$160,000.00.

### State Fund Expenses

Several projects are planned for 2005. The Crawford Road project, to include drainage improvements, widening and repaving, and widening of North Buck Road are both planned to be completed in 2005. Engineering costs for the Buck Road Bridge will be paid from the State Fund. Plans are being made to widen the portion of Hadfield Road from North Bailey to Zynn Road, and milling and overlay of the development streets in the Echo Dell development for the fiscal year 2006.

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**Additional Public Comment**

Chairman Kirkner asked if there were additional public comments. Mr. Robert Lynch asked if employees contributed to medical insurance costs. Mr. Piersol stated that employees did not contribute. Mr. Lynch said he thought that employees should contribute towards paying for their insurance costs. Mr. Piersol stated this was a benefit offered by the Township to be able to keep good employees. Chief Kocsi stated that in the past several years, changes have been made to our insurance plan that raises deductibles and prescription costs, in an effort to keep the insurance more affordable.

Mr. Lynch asked about the Homeowner Property Tax Relief Act 72 on July 5, 2004, that allows school districts to reduce property taxes through homestead exclusion. Property tax relief is to be funded by a combination of state gaming revenue and dedicated local income taxes. All residential property owners should have received or will soon receive a mailing explaining the legislation, the application process, an application and instructions page, and a return envelope. The County Assessment Office is responsible to receive and process the applications by the March 1, 2005 deadline. Answers to most questions are provided with the information included with the mailing. Other questions regarding the Homestead application process should be referred to the County Assessment Office. Specific questions about how their property taxes will be impacted by the Act should contact the Downingtown School District Tax Office. The Supervisors explained that it was up to the individual school districts as to whether they would participate in this program. All proceeds will go to the school district, not to the townships. The Supervisors and Mr. Piersol agreed that there were still unanswered questions about this program.

**Adjournment**

There being no further business, Vice-Chairman Fischer made a motion to adjourn the meeting. Chairman Kirkner seconded the motion, with both voting Aye. The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Mary Beth Smedley  
Secretary/Treasurer