

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, September 21, 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
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Wednesday, September 21, 2005 was called to order by Chairman Kirkner at 7:30 P.M. at the East Brandywine Fire House

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. There were none.

Minutes: Board of Supervisors – August 17, 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 August 17, 2005 minutes as presented. Chairman Kirkner seconded the motion, with both voting Aye. Mr. Voltz did not attend the August 17th meeting.

Minutes: Board of Supervisors – September 1, 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 September 1, 2005 minutes, as presented. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Minutes: Planning Commission Minutes – September 7, 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 – September 13, 2005

The September 13, 2005 minutes will be available to review at the October 19th Board of Supervisors meeting.

Treasurer's Report

Vice-Chairman Fischer made a motion to approve the Treasurer's Report for the period ending September 21, 2005, and authorize payment of the bills. Mr. Voltz seconded the motion with all voting Aye.

Report: Township Manager – Report for August/September 2005

Last Thursday afternoon, a groundbreaking ceremony was held to formally begin construction of our new municipal complex. We were pleased the weather cleared from earlier in the day. We had a wonderful turnout of Township Board and Committee members, representatives from neighboring municipalities, legislators, and friends, plus our design professionals, who all helped us celebrate this happy occasion.

Mr. Piersol has spoken to several people who appreciated the invitation, and commented the ceremony was a wonderful event. He thanked Mary Beth Smedley and Norann King for the arrangements, particularly the refreshments. Matt VanLew, Mike Dawson and Chris Ott worked hard to have everything in order at the tent for that afternoon. They are all to be commended for their efforts in making this a truly special event.

Initial work began on the site last week with clearing of some trees. Silt fence is currently being installed, with excavation to begin late this week. We are hoping the weather will cooperate through the fall to enable the contractors to get the site completely stabilized, and the buildings under roof. The contractors will focus on construction of the public works area, so our road maintenance equipment can be stored indoors before the winter months are upon us. We are all anxious to see the construction progress. Mr. Piersol encouraged everyone to watch for information in our fall newsletter, which will contain an artist's rendering of the new municipal building, and on our web site, where we will be posting frequent updates.

We received a letter last week from Congressman Jim Gerlach, who Mr. Piersol spoke with recently about our municipal building project. Congressman Gerlach's staff has been unable to identify federal grant programs that would assist with funding some of the costs associated with this project.

Congressman Gerlach indicated there may be other funding opportunities for other Township projects through the Community Development Fund administered by the U.S. Department of Housing and Urban Development. Bill Tighe of Congressman Gerlach's staff and Mr. Piersol are discussing some ideas for projects such as our stormwater management program required by PA DEP and the Environmental Protection Agency, since these are unfunded mandates that could be funded through the federal appropriations process for Fiscal Year 2007.

We were hopeful to obtain funding through federal programs such as the Department of Homeland Security, for the construction costs associated with the emergency operations center in our new municipal building. Mr. Tighe indicated the federal legislators have no control over these funds, which are administered at the state and local levels. Anthony Przychodzien of the County Department of Emergency Services will discuss our request at a future meeting of the 5-county board that oversees the local allocation of the Homeland Security funds that trickle down from PEMA at the state level. He will also make some other contacts on our behalf, to see what other funding may be available.

Our state legislators are also researching potential funding opportunities to help offset the construction cost for this project.

The Township recently received \$105,000 from Southdown Homes last month, as payment toward traffic improvements for the North Guthriesville Road intersection with Horseshoe Pike. Our Supervisors authorized the initial work on this project September 1st. Township Traffic Engineer Andy Heinrich will coordinate this project on our behalf. The plan is to install a traffic signal at this location, which will also coordinate the traffic signal timing of the existing traffic signals at the Brandywine Village Center, and the Hopewell / Bondsville Roads intersection.

The initial step is to conduct a study to determine the traffic counts, and determine the levels of service at this location during different times of the day, and days of the week. Mr. Piersol has received many complaints from residents who use North Guthriesville Road, and have difficulty turning east onto Horseshoe Pike. This is the first step in trying to address those complaints. Once the results of the traffic counts are received, we will be able to determine whether a traffic signal is warranted at this location.

West Brandywine Township had received a proposal from McMahon & Associates to develop a township-wide traffic signal specifications ordinance. Mr. Piersol had discussed the possibility of joining with West Brandywine to have this work done for both townships, and share the cost. Signal Service, who maintains the traffic signals in both municipalities, will also be involved in this process, which will specify the equipment and materials to be used by developers for installation of traffic control equipment, or changes to existing traffic signal equipment. The cost for this work is proposed at \$2,500, plus certain out-of-pocket costs such as reproduction, plotting, mileage and similar incidental expenses. These costs would be shared equally by the municipalities.

Mr. Piersol respectfully requested the Board authorize him to sign the McMahon & Associates agreement, so this work may proceed. Mr. Voltz made a motion to have Mr. Piersol sign the McMahon and Associates agreement to develop a township-wide traffic signal specifications ordinance. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Mr. Piersol met with representatives of Verizon yesterday to discuss their plans for the next steps in their fiber optic service in our community, which is the video service. This service will offer competition to the cable TV service currently provided by Comcast Cable. Verizon is planning to offer their communication (telephone), internet and video services both as individual services, and bundled at a reduced cost. Their fiber to the premises (FTTP) program provides a fiber optic line to each residence or business, where the signal is converted to be used by existing telephone equipment or cable television wiring, all being copper wire. Laser-generated light pulses transmit voice, data and video at speeds which the existing copper lines cannot handle for great distances. This will bring competition to the marketplace where there has been little or no competition before. In certain areas of our community, residents who are unable to obtain cable television service from Comcast due to limited population densities should be able to receive service from Verizon.

Verizon has agreed to enter into franchise agreements similar to our current Comcast agreement with the municipalities where they will provide this service. They have indicated their franchise agreement will be much simpler than our agreement with Comcast. A meeting of several

municipal managers with a representative of a Washington D.C. law firm who is currently negotiating with Verizon across the country in matters related to franchise agreements will take place on October 5th.

East Brandywine Township is not promoting either Verizon or Comcast for any of these services. Comcast recently began to provide communications service to customers in various parts of the country. This does offer residents and businesses a choice, and competition will hopefully maintain the cost of these services at a reasonable level.

Due to the continued dry weather, Mr. Piersol announced a ban on all outdoor burning, effective immediately. He has not been issuing burning permits since mid-August, since we have had little rainfall. It is also highly recommended that the use of water for outdoor watering of plants be kept to a minimum. One exception would be new lawns, which may be watered, but only during evening hours between 5 P.M. and 9 A.M. The County has been warning that certain water level indicators have been declining from their highs earlier this year. Mr. Piersol asked for cooperation from everyone during this dry time.

Later this evening, the Township will consider adoption of a resolution in support of the Natural Lands Trust's submission of grant applications to the PA Department of Conservation and Natural Resources (DCNR) grant program for open space acquisition. Applications will be submitted in the name of East Brandywine Township for the acquisition of a fee-simple interest in a portion of the White Acres Farm on Creek Road, along the Brandywine Creek, and near the Struble Trail, and in the name of the Natural Lands Trust, for the acquisition of a conservation easement across 30 to 60 acres of the farm, owned by the Whittaker family.

The White Acres Farm consists of approximately 172 + acres along Creek and Dowlin Forge Roads. The Township has been working with the Whittaker family since early this year on a plan to acquire these property interests, along with a plan to allow limited development of certain portions of the property, while maintaining the views. Natural Lands Trust submitted a grant application to the Chester County Preservation Partnership Program. We are hopeful that we will be successful with these grant applications.

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

Mr. Piersol read the Building Inspector/Zoning Officer's Report for August 2005. There were eight building permits issued, eleven use and occupancy permits issued, and thirty-four inspections conducted during the month. The total fees collected were \$2,093.32.

Report: DARC

Mr. Voltz stated that each municipality received a copy of the approved budget for 2006 for their review. East Brandywine Township's annual contribution will increase to \$6,000 due to a rise in resident usage from 8% to 10% of the total municipal usage. DARC is still in discussions with the Downingtown Area School District about the use of their sport fields. The School District has begun charging DARC for use of these fields. DARC representatives will continue to work with the School Board to try to come up with a more consistent way to assess these fees.

Report: Open Space Committee

Representatives of the Open Space Committee will attend the Board of Supervisor's October 6, 2005 Work Session to discuss their recommendations following a meeting held with Monica Drewniany at National Lands Trust regarding conservation and development.

Report: Brandywine Regional Police Commission

The Regional Police Department is working with their actuarial firm to determine the 2006 Minimum Municipal Obligation for their pension plan.

Officer Joseph Glasgow, who is enlisted in the United State Air Force Reserves, has received active duty orders. It is expected that Officer Glasgow will continue on active duty for at least one year.

Officer Denis Knoke will complete her probationary period on September 27th. She will be placed on full-time status at that time. Officer Glasgow will need to complete one month of probationary status upon his return.

Chief Kocsi is working on the preliminary 2006 budget. While reviewing work units for both East Brandywine Township and Wallace Township, he discovered that the Chester County Police Radio Room was improperly assigning Wallace calls to East Brandywine Township. He will make corrections to the reports and will adjust the budget allocation chart accordingly.

The next Brandywine Regional Police Commission meeting will be held Monday, September 26, 2005 at 8:00 A.M. at the Wallace Township Building.

Report: Police Chief - Police Activity Report for August 2005

Chief Kocsi reported on the Regional Police Activity Report for August 2005

Investigations	161
Traffic Citations	238
Traffic Warnings	44
Traffic Accidents	11
Criminal Arrests	5
Summary Arrests	8

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

Burglary/Criminal Trespass	1
All Assaults	1
Theft/Fraud	3
Disorderly Conduct/ Harassment	7
Disturbances	2

Suspicious Activity/ Persons	11
Domestics	6
Criminal Mischief	4
Missing Persons/ Runaways	1
Driving Under the Influence	3
Fugitive Warrants	0
Other	2

Report: Fire Company's Activity Report for August 2005

Mr. Piersol read the Activity Report for the month of August 2005, as submitted by Fire Chief James Witmer. In August there were sixty-one total incidents. In East Brandywine Township there were six fire calls and nine QRS calls. In West Brandywine Township there were nine fire calls and twenty QRS calls. There was no reported fire damage.

The Fall Chicken Barbeque was held Saturday, September 10th and was very successful. Mr. Piersol reported that the Fire Company sold all of their tickets and had to turn away some residents who did not purchase tickets in advance.

The Fire Company celebrated their Fiftieth Anniversary with a Fireworks Display that was held August 20th in conjunction with other Fiftieth Anniversary festivities. Approximately 2,000 people attended the Fireworks Display and the Fire Company received many compliments. Through fundraising efforts and donations the evening of the fireworks display, 98% of the costs were covered. Mr. Piersol thanked Chief Kocsi for his assistance with planning the event. Vehicle parking was well organized and attendees were able to leave the event in an orderly manner.

Mr. Piersol will be replacing Jon Carter as QRS Captain for the remainder of the year.

Subdivision: Mullray Subdivision

The plans propose the creation of two lots from a single 6.0319-acre tract on the west side of Bondsville Road. The plan was originally submitted as a sketch plan. The property is owned by Stacey Porter and Charles Petroff. Mr. William Mullray is the equitable owner of the property. The applicant proposes to subdivide the six acre property into two lots in the R-2 Zoning District. Lot #1 has an existing dwelling, swimming pool and stone deck. Lot #2 has a stable that the applicant plans to demolish.

Mrs. Smedley reported that the Planning Commission is recommending the Board of Supervisors grant preliminary plan approval for this subdivision subject to approval of the NPDES permit and approval by the Chester County Health Department. Mr. Voltz made a motion to grant preliminary plan approval to this subdivision subject to the above conditions. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Subdivision: DeCovny Subdivision

The Planning Commission is recommending the Board of Supervisors accept an extension to review this subdivision plan until October 31, 2005. They further recommended that no additional extensions be accepted unless the applicant provides at least a 60 day extension. Vice-Chairman Fischer made a motion to accept the extension until October 31, 2005. Mr. Voltz seconded the motion, with all voting Aye.

Subdivision: Applecross AKA Overlook Road Farm

The Planning Commission is recommending that the Board of Supervisors grant the following waiver. Sheet 1532 of the plan set shows a typical driveway cross profile and sidewalk detail with the driveway or ramp at a 15% grade from the edge of the road. The driveway entrance grade should be revised to no greater than 5% for the first 14 feet to comply with the Ordinance. The intent of this section is so the driveway is not too steep in the area where it meets the road. With a 1 ½" curb lip at the finished driveway entrances, the 15% slope should ensure that the driveway is not too steep in the area of the driveway, sidewalk and street. The Township Engineer does not oppose granting this waiver. Mr. Voltz made a motion to grant the above waiver. Vice-Chairman Fischer seconded the motion, with all voting Aye.

Resolution: Resolution 05-14 –Grant Application with the Pennsylvania Department of Conservation and Natural Resources (DCNR) – Whittaker Property

This Resolution is in support of the Natural Lands Trust submission of grant applications to DCNR for open space acquisition. The applications will be submitted in the name of East Brandywine Township for the acquisition of a fee-simple interest in a portion of White Acres Farm and in the name of the Natural Lands Trust for the acquisition of a conservation easement across 30 to 60 acres of the farm owned by the Whittaker family. Vice-Chairman Fischer made a motion to adopt Resolution 05-14. Mr. Voltz seconded the motion, with all voting Aye.

Executive Session

At 8:15 P.M. Mr. Voltz made a motion to adjourn to Executive Session to discuss the Wawa land development application. Vice-Chairman Fischer seconded the motion with all voting Aye.

The regular meeting reconvened at 8:30 P.M.

Wawa Land Development Application

On behalf of Wawa, their attorney Joseph Brion, Esq. has asked that East Brandywine Township write a letter to the Pennsylvania Historical and Museum Commission agreeing that Mama's Lena's can be demolished, subject to a dig and preservation of any historic portions of the structure. Wawa would then proceed with an application for demolition permits, together with

any necessary hearings. The Board of Supervisors agreed to write a letter to the Pennsylvania Historical and Museum Commission, but stated that the letter would say that Wawa should apply for a demolition permit as outlined in East Brandywine Township's Zoning Ordinance. If the permit is approved, that will signify the Board's agreement that Mama Lena's can be demolished. Provisions for demolition of historic resources are outlined in Section §399-65 of East Brandywine Township's Land Use Codes.

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 8:35 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer