

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
PM SESSION
MARCH 17, 2022**

Those in Attendance:

Kyle P. Scribner, Chairman
Carl K. Croft, Vice-Chairman
Jason R. Winters, Member
Luke D. Reven, Township Manager
Mark Kocsi, Chief of Police
Matthew VanLew, Roadmaster
Tom Oeste, Township Solicitor
Lisa Taraschi, Township Secretary

The East Brandywine Township Board of Supervisors meeting of Thursday, March 17, 2022 was called to order at 6:30 PM at the East Brandywine Township Municipal Complex.

Opening of Meeting

Chairman Scribner opened the meeting by announcing that this meeting is being recorded. He then asked everyone to stand for the Pledge of Allegiance.

Public Comment on Agenda Items

There were no comments.

Approval of Minutes

Chairman Scribner asked for a motion to approve the Board's meeting minutes from the February 17th PM session. Vice-Chairman Carl Croft made a motion to approve the minutes. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Chairman Scribner asked for a motion to approve the Board's meeting minutes from the March 3, 2022 AM session. Supervisor Winters made a motion to approve the minutes. Vice-Chairman Croft seconded the motion, with all members voting Aye, motion passed 3-0.

Treasurer's Report

Township Manager Reven read the balances to the Board.

Vice-Chairman Croft made a motion to accept the Treasurer's report. Chairman Scribner seconded the motion with the exception of check # 28015 to Honeywell and also noted incorrect checks have been replaced. With all members voting Aye. Motion passed 3-0.

Reports

Mr. Reven presented his report to the Board. A copy of the report verbatim et literatim, is attached to these minutes and made part of the record.

Mr. Reven presented the Building Inspectors report to the Board.

TOWNSHIP MANAGER'S REPORT

March 17, 2022

1. Community Park Bathroom Update

As you may recall, East Brandywine Township has a DCNR grant (BRC-24-190) to construct a bathroom in Phase I (the north entrance) of the Community Park. Other funding sources include the East Brandywine Foundation, and East Brandywine Youth Athletics.

The recent focus of the project was exploring obtaining public water service. Public water in the general area is supplied by Aqua America and they have service nearby in Wildbrier Drive. Pennoni described the project to Aqua, provided a preliminary site plan for their review, and asked for water service. Aqua replied and stated to Pennoni that the park is outside of their Service Territory. Pennoni continued to reach out to Dave McIntyre at Aqua who has authority to assist on a request of this nature. Mr. McIntyre stated that the Aqua previously tried to expand its service territory to include Brandywine Wallace Elementary School in 2005 by means of petitioning to the Public utility Commission (PUC). The Township, in 2005, subsequently protested Aqua's PUC petition. The PUC then retracted the application for the expanded service territory. Pennoni has since asked Mr. McIntyre if there is a window of opportunity to reopen an application to the PUC but Aqua has not indicated that is a viable option.

It appears that a well is only option. A well at a location has already approved by PADEP. Once the well is drilled and the yield has been determined to be acceptable, we can then go out to bid with the site work and move forward with purchasing the building. The well hole drilled will remain and be used as the future potable water source for the building.

I have authorized Pennoni to hire a well drilling contractor (Petersheim Brothers Inc.) to drill a 6-inch well on the site to determine the yield. This work is within my spending authority, a budgeted expense, and under the telephone quote threshold. It will cost approximately \$7,000 to drill a standard well (300-foot well with 60-feet of 6-inch grouted casing) onsite. This cost will not include any of the well pumps, piping or equipment which will be covered under the site contractors bid.

2. Municipal Authority Secretary Search

Township Staff are assisting the East Brandywine Municipal Authority in marketing the position of Municipal Authority Secretary. This employee is responsible for attending and preparing minutes of the Municipal Authority monthly meetings, maintaining Municipal Authority records, preparing monthly/quarterly sewer billing, handling questions and inquiries from customers or bringing them to the attention of the Municipal Authority and/or its consultants, and seeing that Authority business is properly transacted.

For more information or to apply, please visit www.eBrandywine.org/Jobs.

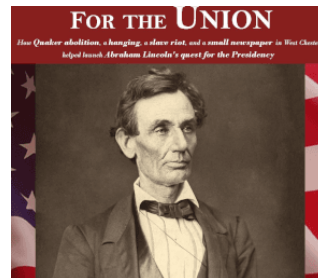
3. Upcoming Events

As the weather warms up and events season kicks off, it is time again to summarize the events between now and the next PM Session of the Board of Supervisors:

MARCH 20 | 2:30 PM

Historical Commission Spring Speaker Series: "For the Union"

Malcolm Johnstone discusses his book "For the Union." Learn how abolition, a hanging, and a newspaper in West Chester set the stage for quest for the Presidency.



Quaker Lincoln's



APRIL 3 | 3:00 PM

Easter Egg Hunt in the Community Park

New for this year, Parks and Recreation is excited to host a free Easter Egg Hunt for children aged 10 and under on Sunday, April 3 from 3:00-5:00 PM. The inaugural event was originally planned for Spring of 2020 and was delayed due to the global pandemic. Rain date is Sunday, April 10.

APRIL 4-8

Spring Leaf Collection

Spring leaf collection for 2022 will be the week of April 4th. Please place all leaves along the side of the road on lawn area within six feet (6') of road edge. Thank you for your participation and cooperation.

APRIL 9

Household Hazardous Waste Collection

East Brandywine Township, in partnership with the Chester County Solid Waste Authority and neighboring municipalities will be hosting five Household Hazardous Waste collection events across the county in 2022. The first such event will be April 9 in Phoenixville. Appointments are required. For information about this and future events, please visit www.ChesterCountySWA.org/121.

Roadmaster Report to the Board of Supervisors for March 17, 2022

Township Roadmaster Mr. Matt VanLew read his report to the Board. A copy, verbatim et literatim, is attached to these minutes and made part of the record.

2021 Road Paving Project

Earlier this week we received request for final payment for the 2021 paving project. Mr. Kyle Turner of Cedarville Engineering Group CEG provided a letter recommending final payment to Di Rocco Brothers Inc for \$214,028.41 which is approximately \$200.00 under their bid. I would like to thank Di Rocco Brothers for a job well done.

2021 Aspen Drive Pipe Lining

Also earlier this week we received request for final payment for the 2021 Aspen Drive pipe lining. Mr. Kyle Turner of Cedarville Engineering Group CEG provided a letter recommending final payment to Mr. Rehab, LLC for \$48,837.25 which is approximately \$500.00 under their bid. Again I would like to thank Mr. Rehab for a job well done.

The pipe lining is very affordable considering, if we were to replace the corrugated metal pipe, it would involve locating all of the underground utilities, saw cutting the road surface, closing the road, digging up the existing pipe and replacing with new and then restoring the road surface or front yards. The cost for rehabbing the pipe was approximately \$90 per foot. As a comparison in 2014 we had a contractor replace a corrugated metal cross pipe on Aspen Drive with concrete pipe, the cost was \$275 per lineal foot.

FEMA Grant Tropical Storm Ida

We continue to work with FEMA for repairs after Tropical Storm IDA September 1, 2021. FEMA breaks the work into various categories. The first project completed is the Bondsville Mill parking area.

Other projects include the storm repairs for various locations in the Township. Most of these repairs are due to the stream crossing over the road and washing the other side causing erosion. All of these areas have been repaired.

There are currently two more complicated projects we are currently working with FEMA, first is a culvert located on Old Horseshoe Pike and the second is the lower bridge to Bondsville Mill. We are asking for mitigation for both of these projects. For the Old Horseshoe culvert, we are requesting total replacement with a preformed concrete structure. FEMA is requiring a Hydrologic and Hydraulic H & H study to indicate if the existing culvert is adequate for future storms. We are also requesting mitigation for the Bondsville Mill Bridge. The mitigation involves the extension of the southeast wing wall. During the storm the stream eroded the south side of the road bank and eroded behind the wing wall to the edge of the approach pavement. Since the storm the Township has closed the bridge until repairs can be completed. We are working with Pennoni Bridge engineers for a temporary fix until the permanent repair can be completed. There are projects at the Bondsville Mill Park that rely on the temporary repairs, we hope to have a plan soon so we can open the bridge on a temporary basis.

Saturdays Snow Storm

Saturday's snow storm was slightly out of the ordinary. Normally at the start of a storm we spread salt to help break the bond between the frozen road surface and the falling snow. This storm was the opposite, there were warm temperatures at the start of the storm with falling temps during the morning and afternoon. Although the weather guessers were predicting 5 to 8 inches of snow we ended up with around 3. After plowing the snow from the roads and clearing the cul-de-sacs we spread a light coating of salt which kept the roads from freezing until the cold winds could dry the roads.

Chief Kocsi presented his report to the Board. A copy, verbatim et literatim, is attached to these minutes and made part of the record.

Police Department Monthly report; February 2022

COVID UPDATE – The COVID-19 CDC and State mandates have been lifted in the Police Department. Employees in the PD will continue taking temperatures as a precaution for a while. Officers will continue wearing masks or other PPE on medical calls that require a higher level of caution.

Monthly Statistics:

Total monthly events for EB	2237
Investigations completed	200
Criminal Arrests	9
Summary Arrests	0
Warrant Arrests	1
Juvenile Petitions	0
Accidents Investigated	8
Traffic Citation issued	125
Warnings Issued	56
Patrol Miles logged	9,167

Training Completed:

Officer Hayes – Officer Rae – MPOETC Control Tactics Instructor Certification
Department – Control Tactics – Less Lethal – Use of Force
Department – Responding to Mental Illness

The Chief thanked the Board for their permission to allow the Department to participate in the transfer of used ballistic vests to the Ukraine. He added the department was able to donate nine vests.

East Brandywine Fire Chief Vince D’Amico presented his report to the Board. He added that the fire station remodel is estimated to be complete the end of July. Chief D’Amico stated the Emergency Management Team would like to provide the Board with an update on the emergency management plan (EMP). He added Mr. Bob Nye assistant emergency manager is here with that information.

Mr. Nye, 545 Hallman Court provided the Board with an update on what the Emergency Management Team has been working on. Mr. Nye advised the EMP has not been updated in some time. He stated their mission is to identify what our resources are incase of a major catastrophe. He stated they are working on identifying alternative electric resources, septic resources and water resources. They are also working on how to transport the residents. He also stated they are working on identifying residents that have the skill sets needed to help. He stated they have identified Hopewell Methodist Church as a facility that has well water and septic use available. Kraft buses also will be available for transportation emergencies. He added they are in need of

generators. Mr. Nye stated that they are now reaching out to local skilled resources for example; plumbers, electricians, nurses. He added Mr. Bill King a local resident will help comprise a list of skilled residents. He also stated they have identified as major needs generators, protective equipment, hazmat equipment and water purifiers.

Chairman Scribner thanked Mr. Nye for his time and efforts and encouraged anyone with contacts to reach out to the Emergency Management Team.

Vice -Chairman Croft made a motion to accepted the February 2, 2022 Planning Commission Minutes. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Vice-Chairman Croft made the motion to approve all the reports, Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Old Business

There was none.

New Business

Gina DiMarco: Proposal to Amend Zoning Ordinance to Allow Pet Sitting Business in all Zones

Chairman Scribner stated he asked Mrs. DiMarco to attend the meeting. He stated that Ms. DiMarco has submitted pages of referrals from neighbors and friends in the area for her proposal.

Mrs. DiMarco, 341 Zynn Road, gave a brief background of her business stating she has been operating her pet sitting business since 2000. She added in 2010, she and her husband purchased their home on Zynn Rd. She would like to propose to amend the zoning ordinance to allow pet sitting in all zones of the Township. Mrs. DiMarco stated she provided the Board with her proposed ordinance for review. She added she believes pet sitting businesses provide added value to the residents of the Township. Mrs. DiMarco thanked the Board for their consideration and asked for questions.

Chairman Scribner stated that it is important to know that the proposal states this would be permitted on properties of three acres or more with a maximum of ten animals. Also, appropriate time constraints would be in place for drop off and pick up of the animals. Mr. Oeste informed the Board and Mrs. DiMarco the zoning ordinance requires land owners to file a petition to amend zoning ordinances. An official petition has to be filed with a fee to the Township Secretary who then refers the petition to the Planning Commission for their recommendation to be made to the Board.

Vice-Chairman Croft asked Mrs. DiMarco if she intended for the zoning changes to be in all zones of the Township. Mrs. DiMarco responded with areas of three acres or more. Mr. Croft questioned if the exercise area of 1,000 sf was large enough for ten dogs. He suggested reviewing that number as it seems too small for ten dogs to be held.

Chief Kocsi suggested speaking with a representative from the Chester County SPCA for additional direction regarding the guidelines that have been put into this sample ordinance. He also suggested contacting the States Dog Warden.

Mr. Bruce Rawlings of the Planning Commission recommended Ms. DiMarco visit the Ordinance Task force prior to appearing before the Planning Commission.

Mr. Michael Wagoner of the Ordinance Task Force invited Mrs. DiMarco to attend the Ordinance Task Force meeting on March 23. He then asked the Board if they had interest in this change.

Vice-Chairman Croft stated he does support this change. However, he does have questions.

Supervisor Winters suggested sharing this document with the Ordinance Task Force for their feedback.

Subdivision & Zoning Applications

Preliminary Plan approval 1212 Osborne Rd, The Preserve at Horseshoe Meadow.

Ms. Linda Layer of Inland Designs behalf of the applicant, Michael Zappitelli, presented the Board with a brief description of the project. She stated it is a seven lot sub-division at 1212 Osborne Road with on lot septic and public water. She stated this is a 14 acre parcel; the lots will be approximately 1.15 acres each. There will be six acres of open space. The open space will be owned and maintained by the Home Owners Association. She added there will be a 15-foot-wide access to the open space. The storm water will be built out to the maximum. Ms. Layer informed the Board that they attended the Trail's meeting. The Committee recommended removing the trail and adding sidewalks in front of the lots along Osborne Road in-lieu-of the trail. The Trails Committee also requested a crosswalk at Constitution Drive. The Sewage Facilities Planning Module is in the process of being submitted to the DEP. She added they are submitting a general permit to DEP through the Conservation District. Ms. Layer asked the Board for their questions.

Chairman Scribner inquired about the trail. Ms. Layer informed Chairman Scribner that the Trails Committee did not want it. Chairman Scribner voiced his concern regarding the point of open space whether there is access to it.

Vice-Chairman Croft inquired how the open space will be maintained. He did not feel the 15-foot area was wide enough to get equipment through. Chairman Scribner added he feels they need 20 to 25 feet to get equipment back to the open space.

Chairman Scribner asked if it would be possible to get another five feet in access area. Ms. Layer stated that they have maxed out what they can do for 15 feet. However, she added if they need another five feet, they could put a five-foot strip easement along lot 1. Vice-Chairman Croft stated he is satisfied with the changes that have been made to the plan. Ms. Layer added when they come back before the Board for final approval, they will present a graphic that will show what the houses will look like along Osborne Road.

Chairman Scriber stated he would like the open space deeded to the Township for public use. He is concerned that in time, the residents of those homes and the HOA will not permit the resident of the Township to use the open space.

Mr. Reven explained to the Board that the Townships Open Space Committee's preference for preserving land in the Township is to record easement restricting the future use but not encouraging additional lands to be deeded in fee to the Township. Mr. Oeste added the draft decision has it owned by the HOA but subject to a declaration with the Township subject to the approval. He added if Chairman Scribner wanted the open space accessible for community gardens that can be added to the declaration.

Supervisor Winters stated 6 acres is plenty of open space for this development. Vice- Chairman Croft added he has concern regarding owning the open space. He stated as a Township he does not want to have to maintain it. Chairman Scribner asked Mr. Oeste if there was a way to deed it to the Township but have it maintained by the HOA. Mr. Oeste explained the way it is drafted now, the open space would be owned by the HOA but has to be open to public use. Chairman Scriber stated he is satisfied with the wording in the resolution.

Mr. Oeste read the resolution to the Board and audience. Chairman Scribner suggested to Ms. Layer that an easement of 5 feet be added to lot one. Mr. Rawlings suggested that they pay a traffic impact fee. Mr. Oeste stated he would add that to the document. Ms. Layer asked the Board for a fee for recreation for their calculations. Mr. Oeste informed Ms. Layer that that information is in the Township code section 350.50. After additional discussion, it was decided that the additional 5-foot easement was not going to be needed.

Mr. Reven stated that the next available resolution would be 3 of 2022. He added there have been amendments made throughout the resolution. On the printed draft there is a reference to the easement area substituted fee, and one addition that was read relative to the traffic impact fee.

Mr. Reven stated it would be appropriate and asked for a motion to adopt resolution 3 of 2022 as read by the solicitor and amended in the dialog we had at this meeting. Supervisor Winters stated so moved. With all members voting Aye, motion passed 3-0

Ordinances & Resolutions for Consideration

Deed of Dedication of public Roads and Stormwater Management Facilities, Hide A Way Farms

Mr. Reven presented the dedication of public improvements to the Board. He added this is the second set of items of dedication. He also added the resolution was composed by the Township solicitor. Mr. Oeste explained to the Board what the documents they have before them. The Deed of Dedication for Randolph Dr., Meghan CT, Rebecca DR (portion) Patriot LN, Emma CT (portion), Maria CT and Chloe Cir. He added these are the remaining streets in the development that have not been dedicated.

The seconded document is a maintenance security agreement. This requires the developer to maintain the roads for 18 months in the event of structural failure.

The third document is a Maintenance Bond which is financial security to guarantee that the developer fixes any problems. If the problems are not corrected the Township has the authority to go against the bond for the cost of the repairs.

The final document is the Deed of Dedication of Culvert Structures and stormwater conveyance improvements easements. Mr. Oeste added resolution 4 of 2022 is before board accepting both deeds of dedication.

Vice-Chairman Croft questioned the dedication time frame of 18 months pertaining to the security agreement. Mr. Oeste explained that the Township would take dedication of the roads at the time of signing.

Vice-Chairman Croft also added he has meet with engineer Nate Cline from Pennoni and has satisfied all of his questions.

Supervisor Winters made a motion that the Board accept Resolution 4 of 2022 the deed of dedication presented this evening as depicted and read by our solicitor for public roads, stormwater management facilities located in the Hide A Way Farms development Randolph Drive, Meghan Court, Portion of Rebecca Drive, Patriot Lane, Portion of Emma Court, Maria Court, and Chole Circle. Vice-Chairman Croft seconded the motion. With all members voting Aye, motion passed 3-0.

Public Comment on Non-Agenda Items

Mr. Michael Wagoner, 241 Jefferis Rd. suggested to the Board that they implement using iPads. Stating there is too much paper waste. Chairman Scribner stated the Board has had this discussion in the past. Mr. Reven stated his preference would be to have ten stations installed at the diose. Those tablets would stay in the Township building to be used by the members of the Board and Committees that chose to use them. He added not everyone would like to do away with the paper packets.

Mr. Reven stated as an action item this evening to direct staff to prepare a proposal for the purchase of ten tablets/computers and the means to distribute the agenda electronically for the next meeting. The Board agreed.

Mr. Bruce Rawlings of the Planning Commission asked the Board what the status is of the Planning Commission reviewing the applications for the Zoning Hearing Board Hearings. Mr. Reven added this request was in a previous report that he presented to the Board. He added the MPC states a Planning Commission can provide feedback at a zoning hearing if they are directed to do so by the governing body. The Planning Commission would need to change their meeting date to the third Wednesday of the month. Mr. Reven also stated it would be a case-by-case basis as directed by the Board. Mr. Oeste requested that he be permitted feedback on the date of the Planning Commission meeting as he has responsibilities in other Townships as well. Mr. Reven added the first Tuesday of the month is the Zoning Hearing Board, the first Wednesday is the Planning Commission, the Board meets on the first Thursday and the third Thursday. This will delay the applicant by close to sixty days.

The discussion continued resulting in Chairman Scribner requesting that this topic be added to the agenda to be discussed at the next Board meeting.

Mr. Rawlings also asked the Board for permission to change the start time of the Planning Commission meeting from 7:30 PM to 7:00 PM. The Board gave approval. Vice-Chairman Croft asked Mr. Rawlings if more members can be added to the Planning Commission. Mr. Rawlings stated that the Commission could have two non-voting members and could start recruiting for new members.

Notices

There will be an executive session following this meeting to discuss legal matters.

Adjournment

Chairman Scribner asked for a motion to adjourn. Vice-Chairman Croft made the motion to adjourn the public meeting at 8:30 PM. Supervisor Winters seconded the motion. With all members voting Aye, motion passed 3-0.

Respectfully submitted,

Lisa Taraschi,
Township Secretary