

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS**  
**REGULAR SESSION**  
**January 17, 2019**

Those in Attendance:

Kyle P. Scribner, Chairman  
Jay G. Fischer, Esquire, Vice-Chairman  
Jason R. Winters, Supervisor  
Scott T. Piersol, Township Manager  
Luke Reven, Assistant Township Manager  
Mark Kocsi, Chief of Police  
Mary Kemble Slade, Secretary/Treasurer

Those Not Present:

Matthew VanLew, Roadmaster  
Kristin Camp, Esquire, Township Solicitor

The East Brandywine Township Board of Supervisors meeting of Thursday, January 17, 2019 was called to order by Chairman Scribner at 7:30 P.M. at the East Brandywine Township Municipal Complex.

**Opening of Meeting**

Chairman Scribner opened the meeting and announced that this evening's meeting is being audio and video recorded. He then led the Salute to the Flag.

**Public Comment on Non-Agenda Items**

Chairman Scribner reminded those in attendance of Resolution 2001-08, Rules for Conduct at Public Meetings, stating, "The times allocated to each individual making comments shall be three minutes, unless otherwise set by the presiding officer. Additional public comment may be granted by the presiding officer at the conclusion of the meeting."

Chairman Scribner asked if there were any comments on non-agenda items. Supervisor Winters inquired about the process for getting on the ballot to not be a dry Township. Vice-Chairman Fischer responded that there is a process to follow that includes a petition being circulated and filed (with the Chester County Board of Elections), with a certain number of valid signatures being obtained. Manager Piersol added that it must be approved before being placed on the ballot. It was noted that the Township does not really play a part in the process.

Mr. Bruce Rawlings, Planning Commission Chairman, asked for an update on the Giant hearings. Chairman Scribner noted that he stepped out of the January 15, 2018 hearing early, but advised that the next hearing is scheduled for January 22, 2018 from 8AM to 2PM, with the Board, Applicant, and Parties discussing the possibility of a fourth date in the event the next hearing needs to be continued. Mr. Rawlings also asked about the next steps once the public hearings are completed. Vice-Chairman Fischer stated the project would then be placed on a

future Board of Supervisor's agenda for the Board to publicly consider the Subdivision and Land Development Plan.

**Minutes: Board of Supervisors – December 6, 2018**

Chairman Scribner noted the December 6, 2018 minutes were offered for consideration. Vice-Chairman Fischer made a motion to approve the minutes as presented. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

**Minutes: Board of Supervisors – December 20, 2018**

Chairman Scribner noted the December 20, 2018 minutes were offered for consideration. Vice-Chairman Fischer made a motion to approve the minutes as presented. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

**Minutes: Board of Supervisors – January 7, 2019**

Chairman Scribner noted the January 7, 2019 minutes were offered for consideration. Vice-Chairman Fischer made a motion to approve the minutes as presented. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

**Minutes: Planning Commission – December 5, 2018**

Chairman Scribner noted the December 5, 2018 minutes were offered for consideration. Vice-Chairman Fischer made a motion to accept the minutes as presented. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

**Treasurer's Report**

Ms. Slade read the account balances as of January 17, 2019 and informed of checks needing approval for the General Fund and State Fund. After reviewing the financial reports, Vice-Chairman Fischer made a motion to approve the Treasurer's Report and authorize disbursements as requested. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

**Township Manager's Report**

Manager Piersol reported that the Township is sponsoring another Red Cross Blood Drive on Tuesday, February 5, 2018 in McCausland Hall from 2 PM until 7 PM. He indicated pre-registration is highly encouraged and participants can register online at [redcrossblood.org](http://redcrossblood.org), and search for sponsor code "Ebrandywine."

Manager Piersol noted the Township received a letter from the Attorney General's Office, advising that the Woodland Protection Standards in the Township's Zoning Ordinance, in their opinion, violated the portions of the Agricultural, Communities and Rural Environment

("ACRE") Law. He indicated East Brandywine Township is not the first Chester County municipality to receive this type of notice from the Attorney General's Office. He also stated timber harvesting is considered an agricultural operation. Manager Piersol and Solicitor Camp met with Township Planning Consultant David Sweet, and John Theilaker from Brandywine Conservancy last Thursday to discuss this issue. A letter was sent to the Attorney General's Office Monday, advising the Township is working with the Conservancy to adopt revised timber harvest standards, based on the Conservancy's model ordinance. A draft of the Conservancy model ordinance accompanied Solicitor Camp's letter, in which the Township asked them to provide comments on that document that it complies with the ACRE regulations. Manager Piersol expects to have a draft ready in late February to submit to the County Planning Commission for review, and, hopefully a final draft ready for the Board's consideration in April.

Manager Piersol noted that Casey Lalonde, West Goshen Township's Manager, circulated an email earlier this week, asking if other municipalities were interested in creating a cooperative for renewal of their respective Verizon Cable TV Franchise Agreements. He stated that as of tonight's meeting, 15 municipalities expressed an interest in participating in this joint venture. Manager Piersol indicated that the initial proposal is to hire the Cohen Law Group of Pittsburgh, PA who specializes in cable, wireless and telecommunications issues. He noted that Cary Vargo, Upper Uwchlan Township Manager, has reached out to Cohen Law Group, and will provide additional information on the probable per municipality costs, a timeline, and other related items in a proposal. Manager Piersol stated that in 2011, 13 municipalities participated in a similar joint venture to negotiate a boilerplate franchise agreement document with Comcast, which will save each municipality several thousand dollars compared to each municipality and their respective solicitor conducting independent negotiations. He noted that the municipal solicitors will still have a role in the preparation of the enabling ordinance and other associated documents related to the renewal of the franchise agreements. Manager Piersol noted will share additional information on this project as it becomes available.

### **Assistant Township Manager's Report**

Assistant Manager Reven reported that Township staff has executed a quote in the amount of \$34,489 for 700 Toter brand recycle carts based on the Commonwealth COSTARS Contract 017-008 with Toter, LLC of Statesville, North Carolina. He indicated the Township cart inventory is currently critically low, and staff has been waiting for the beginning of budget year 2019 to make this purchase. Assistant Manager Reven noted that as part of the COSTARS program, there was no need to solicit competitive bids for this purchase even though the cost of the purchase is in excess of the bidding threshold. He also noted the purchase will be made from the Capital Reserve Fund.

Assistant Manager Reven noted that in 2016, the Township received generous Pennsylvania Department of Environmental Protection grant funding to replace the small bins with new Toter brand single-stream carts that have larger capacity, hinged lids to prevent recyclables from blowing away, and that are compatible with automated collection. At the time, the Township purchased two sizes: 64 and 35-gallon capacity. All of the new carts will be of the 64-gallon

variety. Assistant Manager Reven also mentioned that the 2016 shipment was short some 44 pairs of wheels which did not become apparent until inventories became low. Toter, LLC has agreed to provide these at no cost with the new order.

Assistant Manager Reven confirmed that the same source of grant funding (Act 101, Section 902 “Program Grant”) can be applied for retroactively. If the Township is awarded this funding, the state will pay up to 90% of costs. Assistant Manager Reven also mentioned that Township staff is contemplating including a recycle ordinance update into the grant application since the staff time can be used as a local match for the 10%. Chairman Scribner asked if the grant can be used to purchase solid waste containers. Assistant Manager Reven stated that the grant monies can only be used for recycling items; however, the grant monies can be used towards educational items as well. He also noted that the Township is in the final year of the solid waste contract and it may be beneficial to contemplate a multi-municipal bid that could work in a capital purchase of trash containers financed over a five year period. Vice-Chairman Fischer made a motion to ratify the purchase of 700 Toters in the amount of \$34,489.00 from Toter, LLC. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0. Vice-Chairman Fischer added that he would be in favor of rolling the ordinance costs into a potential grant application. Chairman Scribner and Supervisor Winters agreed.

### **Building Inspector/Zoning Officer – Report for December 2018**

Manager Piersol read the Building Inspector/Zoning Officer’s Report for the month of December, as submitted by Mrs. Norann King. There were 14 building permits issued, 1 zoning permit issued, 15 Use and Occupancy permits issued, and 129 inspections conducted during the month. The total fees collected were \$9,098.50.

Manager Piersol also read the Year-End Building Inspector/Zoning Officer’s Report for 2018, as submitted by Mrs. Norann King. There were 358 building permits issued, 44 zoning permit issued, 228 Use and Occupancy permits issued, and 2108 inspections conducted during the year. The total fees collected were \$436,351.03.

### **Roadmaster’s Report**

Manager Piersol noted that Roadmaster VanLew was preparing for the pending storm; hence his absence this evening.

### **East Brandywine Township Police Chief’s Report for December 2018**

Chief Kocsi publically sent condolences to the Downingtown Fire, EMS, and Police Departments on the passing of Jim McGowan and his family. He noted that Chief Holland of Downingtown requested municipal assistance and that Corporal Steve Tyree will be assigned to the Borough this Friday evening through Saturday afternoon.

Chief Kocsi read the Police Chief's report for December 2018.

Monthly Statistics

Recorded Incidents	2,454
Investigations Completed	192
Criminal Arrests	2
Summary Arrests	0
Warrant Arrests	2
Juvenile Petition	0
Accidents Investigated	6
Traffic Citations Issued	38
Warnings Issued	59
Patrol Miles Logged	7,514

Chief Kocsi provided copies of the monthly investigations completed, Officer Activity Report and other correspondence for the Board's review.

**Fire Company's Activity Report for December 2018**

The following is a summary of the December 2018 Fire Company Report as presented by Deputy Chief Joe Edwards. There were 27 fire incidents and 52 medical incidents in total for the month. In East Brandywine Township, there were 12 fire incidents and 16 EMS incidents. In West Brandywine Township, there were 5 fire incidents and 36 EMS incidents. In Upper Uwchlan Township, there was 1 fire incident and 0 EMS incidents. During the month, the Fire Company also provided assistance in Caln Township, Downingtown Borough, East Fallowfield Township, and Wallace Township. There were 3 training sessions, with an average of 15 personnel at each session. They averaged 10 volunteers for each emergency incident.

Deputy Chief Edwards reported that the Officers Installation Dinner was held last evening and the front line officers remained the same. He noted that of the 900 calls for service in 2018, Firefighter Kolmeyer responded to 495 of the total. Deputy Chief Edwards reported that the new rescue truck is in service and the new ladder truck should be in service in the next couple of weeks. He also reported that the failing radio tower on the fire hall will be removed on January 24, 2019. Finally, Deputy Chief Edwards noted that the improvements to the Gear Room are coming along nicely. Vice-Chairman Fischer asked if the radio tower was going to be replaced and Deputy Chief Edwards responded that the antennae on the tower are being mounted on the roof and therefore the tower is no longer needed. Firefighter Kolmeyer stated that Deputy Chief Edwards also responded to 400 calls during 2018.

**Old Business**

None this evening.

## **New Business**

### **Household Hazardous Waste Collection Program Participation**

Manager Piersol asked permission to participate in the 2019-2022 Household Hazardous Waste Program put on by the Chester County Solid Waste Authority. Vice-Chairman Fischer made a motion to commit to participating in the program. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

### **HVAC Proposals – Requests for Approval**

Chief Kocsi asked permission to have the HVAC balancing completed by Butler Balancing Company in the amount of \$3,500.00 and the duct work re-insulated by Madsen, Inc. in the amount of \$2,700.00. Vice-Chairman Fischer made a motion to approve both expenditures. Chairman Scribner seconded the motion, with Chairman Scribner and Vice-Chairman Fischer voting Aye and Supervisor Winters abstaining. Motion passed 2-0.

### **Subdivision and Zoning Applications**

None this evening.

### **Ordinances & Resolutions for Consideration**

None this evening.

### **Public Comment on Agenda Items**

Mr. Bruce Rawlings, Planning Commission Chairman, asked the Board if email communications between staff and the Board have improved. Chairman Scribner indicated it has been satisfactory and Supervisor Winters noted there have been no issues.

### **Notices**

None this evening.

### **Adjournment**

Vice-Chairman Fischer made a motion to adjourn the public meeting at 8:10 P.M. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Respectfully submitted,



Mary Kemble Slade,  
Secretary/Treasurer