

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS**  
**WORK SESSION**  
**February 7, 2019**

Those in Attendance:

Kyle P. Scribner, Chairman  
Jay G. Fischer, Esquire, Vice-Chairman  
Jason R. Winters, Member (via telephone)  
Scott T. Piersol, Township Manager  
Luke Reven, Assistant Township Manager  
Mark Kocsi, Chief of Police  
Matthew VanLew, Roadmaster  
Kristin S. Camp, Esquire, Township Solicitor  
Mary Kemble Slade, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Thursday, February 7, 2019, was called to order by Chairman Scribner at 8:00 A.M. at the East Brandywine Township Municipal Complex.

**Opening of Meeting**

Chairman Scribner announced that this morning's meeting is being audio and video recorded. He also advised that Supervisor Winters would be participating in the meeting via telephone. Chairman Scribner turned the meeting over to Solicitor Camp.

**Public Hearing:**

**Ordinance Amending Chapter 399 titled "Zoning", of the Code of East Brandywine Township to revise the area and bulk standards related to an Age Qualified Residential Community.**

Solicitor Camp announced this is a public hearing on an ordinance amendment that will amend some of the area and bulk requirements of the Age Qualified Residential Community standards of the East Brandywine Township Zoning Code. Solicitor Camp provided a summary of the ordinance and reviewed the six Board exhibits, including:

- Proof of Publication in the Daily Local News on January 23 and January 30, 2019
- Letter dated January 22, 2019 from Kristin S. Camp, Esquire, to the Chester County Law Library providing proposed amendment for public inspection
- Letter dated January 22, 2019 from Kristin S. Camp, Esquire, to the Daily Local News providing proposed amendment for public inspection
- Letter dated January 9, 2019 from the Chester County Planning Commission
- Solicitor Camp advised that the Township Planning Commission reviewed this amendment previously, and at their public meeting last evening made a recommendation that the Board adopt this ordinance amendment.

She added that in December the Board adopted an ordinance allowing the creation of an Age Qualified Residential District, and after the ordinance was adopted it was realized further

modifications were necessary. Lindsay Dunn, council for applicant NV Homes, was in attendance and noted their presence at last evening's Planning Commission meeting in order to discuss their Conditional Use application. Vice-Chairman Fischer added that this amendment was also processed through the Ordinance Task Force. There were no questions. Solicitor Camp asked if there were any public comments on the proposed ordinance. There were none. Vice-Chairman Fischer made a motion to approve Ordinance 01 of 2019 as presented. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

### **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 comments on non-agenda items. There were none.

### **Minutes: Board of Supervisors – January 17, 2019**

Chairman Scribner noted the January 17, 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 – January 2, 2019**

Chairman Scribner noted the January 2, 2019 Planning Commission minutes were offered for consideration. Vice-Chairman Fischer made a motion to accept the minutes noting a correction to the date was needed. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

### **Old Business**

#### **Pulte/East Brandywine Route 322 & Bollinger Road Traffic Improvements HOP**

Solicitor Camp revisited this matter, advising that a maintenance agreement is needed prior to this HOP being issued given the proposed installation of stormwater facilities in the PennDOT right of way. She explained that Township Engineer Nate Cline provided an email stating his recommendation that the Township accept a one-time fee of 10% of the cost of installation of the facilities to go towards future maintenance, with this amount totaling \$9,779.00. Alyson Zarro, Esquire, attorney for Pulte Homes, stated her client feels they have provided adequate monies prior in that they have contributed \$750,000.00 to the Township as part of this project. Vice-Chairman Fischer and Chairman Scribner were in agreement with the concept of a one-time payment. Ms. Zarro noted Pulte would be looking for the Township to require the Weaver Tract and the Mapleview Development to contribute their fair share to this cost, as stipulated in the Settlement Agreement. Solicitor Camp suggested that the Board can add that condition to the

Weaver Tract Conditional Use decision for the Board's consideration in the proposed order. Ms. Zarro stated that Pulte is ready to begin the work but needs this agreement in place to secure the HOP. Ms. Zarro introduced Mr. Bob Hermley of Pulte, who acknowledged that Pulte is in agreement to pay a one-time fee of \$9,779.00 to move the process forward. Vice-Chairman Fischer asked Roadmaster VanLew his opinion, and Roadmaster VanLew's view was that this amount should cover the expenses moving forward. Chairman Scribner asked about the warranty associated with the work. Ms. Zarro advised that PennDOT requires a two-year maintenance bond. Supervisor Winters added that the Weaver Tract should share in costs as required in the Settlement Agreement. Vice-Chairman Fischer made a motion to accept the one-time payment in the amount of \$9,779.00 towards the ongoing maintenance of the proposed stormwater facilities associated with the Bollinger Road/US 322 intersection improvements. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0. Manager Piersol asked the Board if they would allow him to sign the required forms to complete this item. Vice-Chairman Fischer made a motion to allow Manager Piersol to sign the required forms associated with this. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

## **New Business**

### **888 Horseshoe Pike Complaint Ratification of Filing**

Solicitor Camp provided a brief review of the issues involving this property and noted the Notice of Violation issued to the Property Owner was not appealed and so a complaint was filed with the District Court. There was a default judgment in the amount of \$12,000.00 ordered; however, no abatement has been made nor has there been any dialogue with the Property Owner. Given this, Solicitor Camp filed a complaint in the Court of Common Pleas and asked the Board to ratify the filing of the complaint. Vice-Chairman Fischer made a motion to ratify the filing. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

### **TRAISSR by McMahan**

Assistant Manager Reven addressed the Board regarding TRAISSR by McMahan Associates, Inc. He noted this item was first discussed during the budget process in November, and would be a budgeted purchase. Marketing materials and a proposal were provided on this cloud-based GIS asset management system, which is also a permit tracking and work order tracking system. The most immediate need relates to the current inspection scheduling system and inspection workflow system which is not meeting the Township's needs. Assistant Manager Reven pointed out that the Township is a small municipality with a high volume of building permits. The current system does not produce proper reporting or allow the scheduling and tracking of inspections in a way that can be accessed from any device with access to the internet. Some new additions would include public access to selected layers of GIS data at the local level. He advised the monthly cost for the Asset Central core module is \$900 per month, and the permit tracking system is \$300 per month. Chairman Scribner questioned the five year contract term, should the system not meet the Township's needs. Solicitor Camp reviewed the proposal, and asked the Board what length term they would propose. Vice-Chairman Fischer concurred with

the suggestion of a honeymoon period, with it being decided a six month period would be sufficient after implementation of the system is completed, in order assess the product and terminate the contract if needed. It was noted it will take 8-12 weeks for the system to be set up and fully operational. Vice-Chairman Fischer motioned to approve with the condition that once the system is fully operational, the Township will have an evaluation period of six months and, if at the end of six months the Township wishes to terminate, appropriate notice can be provided. Chairman Scribner seconded the motion, with the provision that the term be shortened from a five year period to a three year period, following the six month trial period. Vice-Chairman Fischer agreed pointing out that due to the discount structure there is no benefit to go beyond three years. All members voted Aye. Motion passed 3-0. Solicitor Camp will reach out to McMahon Associates regarding the proposed changes to the contract.

### **Roadmaster's Report**

Roadmaster VanLew announced the Township received a DEP Growing Greener Grant for stormwater improvements in the Culbertson Run Development. This grant is for \$246,021.00. The work planned for the Development includes tree removal, re-establishment of the roadside swales, underground basins located within Hawthorne Drive and re-paving the road. Construction is expected to start late spring. Roadmaster VanLew offered a special thanks to Beth Uhler and Jerry Jamison of Cedarville Engineering for their assistance.

Roadmaster VanLew noted he received a proposal from Cedarville Engineering for the Township's 2019 ND PES MS4 Permit Services. The proposal is similar to last year with the exception of additional mapping and inspections of the outfalls required by the permit. In addition Cedarville will review the Township's BMP inventory and inspect the BMP's throughout the Township. An inspection report with photographs will be provided. The report will include any deficiencies noted. The total for the proposal is \$79,944.00. Vice-Chairman Fischer made a motion to approve the proposal for Cedarville Engineering in the amount of \$79,944.00. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Roadmaster VanLew noted he received quotes for two new Hustler zero turn mowers. These mowers are on State contract and have a five-year warranty. The proposal is from PowerPro equipment 780 East Main Street, New Holland. Roadmaster VanLew noted he and his crew looked at many different machines and found these to be the most reliable at an affordable cost. He outlined the two mowers: Hustler Super Z Hyper Drive 36HP Vanguard Engine 60" VX4 Deck, cost \$11,666.13, and Hustler Super Z Hyper Drive 36HP Vanguard Engine 72" VX4 Deck, cost \$11,915.79. Roadmaster VanLew indicated there is \$23,000.00 budgeted in the Public Works Capital Improvement Fund. Chairman Scribner asked if the old ones will be sold, whether they use gas or diesel fuel, and an explanation of the warranty. Roadmaster VanLew advised they will be selling one and keeping one as a backup machine, the new mowers will be gas, and they have a five year warranty.

Vice-Chairman Fischer made a motion to approve the purchase of the Hustler Super Z Hyper Drive 36HP Vanguard Engine 60" VX4 Deck, cost \$11,666.13, and the Hustler Super Z Hyper

Drive 36HP Vanguard Engine 72" VX4 Deck, cost \$11,915.79. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Roadmaster VanLew noted the following list of accomplishments which his Department performed in 2018:

- Lenni Electric installed new LED lights in the parking lot and building, this has improved the safety in the parking lot and we have not needed to replace a single bulb.
- On Dilworth Road between Jefferis and Little Washington Roads we replaced a 48 inch corrugated Metal Pipe with reinforced concrete pipe and installed two concrete endwalls.
- Sealmaster assisted us with resurfacing the tennis courts at the Community Park. This is a five step process and took about 2 weeks to complete.
- The Road Department installed 6 benches in various locations at the park.
- The restoration of McCausland Hall continues when time permits.
- On Pancoast Lane we poured in-place a concrete endwall to replace the existing wall that was leaning and causing erosion around the cross pipe.
- The Township accepted approximately 1 ½ miles of roads in the Hideaway Development.
- We did branch chipping at 250 residential locations throughout the Township and collected \$1,650.00 in fees.
- In 2018 we collected 61 loads of leaves, equaling 262 tons of materials not being sent to the landfill.

Roadmaster VanLew also outlined some of the upcoming projects for his Department in 2019:

- Zynn Road to be paved from East Reeceville to Hadfield Roads. Other roads include Hopewell Road and East Fisherville Road.
- A culvert replacement on Zynn Road in the area of Hockley Drive has been delayed due to a gas line in the area which needs to be relocated. We expect this project to resume around the end of March. PECO gas is in the process of obtaining a DEP permit due to the small stream crossing.
- Replace a pipe crossing on East Fisherville Road near the Caln Township line in early spring.
- Replace a Corrugated Metal pipe at the intersection of the Kristin Circle T with HDPE pipe.
- We are preparing an RFP for engineering and design for the new Maintenance Garage located near the fuel pumps. We expect a 5 bay garage with an addition to the salt shed. We anticipate construction to start late this year.

Vice-Chairman Fischer requested Roadmaster VanLew notify PennDOT of the condition of Creek Road (SR 282) in the Township. He pointed out that the section between Dowlin Forge Road and the Bypass overpass is in poor condition, with areas with running water causing icy conditions, major potholes causing damage to vehicles and edge drop-offs. Roadmaster VanLew

will follow up with PennDOT on this matter

### **Bondsville Mill Grant Update**

Mr. Jim Buczala, Chairman of the Bondsville Mill Park Committee, was present to provide an update to the Board. Mr. Buczala noted that the Committee is focusing their efforts on obtaining an Open Space Grant from the County to allow for the progression of improvements to the Bondsville Mill Park in four phases: (1) Removal of concrete pad and stripping of soil to support plant growth; (2) installation of soil, hardscape/walkways, and infrastructure to water the gardens and provide power to the area; (3) installation of plants; and (4) construction of the parking area on the south side of the pad. He anticipates if all goes well that the gardens will be installed by next spring, in order to be established by the end of the next year. The parking area would have more flexibility in terms of timing. Mr. Buczala indicated there is a \$250,000.00 grant opportunity that would need to be matched by the Township, and asked if this is something that the Board would support.

Chairman Scribner had questions about the soil/excavation, PADEP/CCCD involvement, and the Township match. Mr. Buczala indicated 36 inches of soil is needed to support plant growth, and some soil will have to be brought in to replace that which is removed. There will be disruption only in concrete pad area, with a stone wall marking the perimeter containing it from the stream. Crushed concrete from the pad will be stockpiled for use as a sub-base for the future parking area. He advised that there has been discussion with the Township Engineer regarding the need for some runoff and sediment control in certain areas. Mr. Buczala stated that the grant covers three years, with a ballpark estimate of \$300,000.00 worth of work for the first two phases. He is working on a bonafide cost estimate to present to the Board later this month, and noted the grant application will require a Resolution of support. He added that the County grant representatives are very enthusiastic about the plans for the park.

Mr. Buczala inquired about the ability to use the Developer Fee In Lieu Of Open Space monies for the Township match, noting that this project would be well suited for the use of some of these funds. Supervisor Winters asked if he has run this by the Parks Committee, to which Mr. Buczala responded they had not. Solicitor Camp inquired if there is a Master Plan for the improvements to the park. Mr. Buczala stated there were two plans completed in 2010 for the park as a whole, and that everything they are doing is consistent with the plan, with the exception of the gardens which would be further enhanced. Solicitor Camp suggested the Committee look at the plan, bring it up to date incorporating the new plans for the garden, and present to the Board at a future meeting. This analysis would help with long range planning and budgeting for the overall project.

Chairman Scribner inquired about maintenance needed for the garden area. Mr. Buczala stated that the large horticultural community involved in the project will visit during the year to volunteer their time to maintain the gardens. He does not anticipate other than basic infrastructure items or grass cutting will be needed from the Township.

Vice-Chairman Fischer reminded that typically the Township match would be paid up front, with reimbursement at the end of the project. Solicitor Camp added that it should be anticipated a declaration will have to be recorded against the land indicating it has to be used for open space. Solicitor Camp also advised that procurement of services and materials for work at Bondsville Mill needs to follow the processes in the Second Class Township Code, and that the project described may need to follow the Township's land development process. Mr. Buczala indicated he has been working with Township Engineer Cline to review the process for the work.

Assistant Manager Reven informed the Board that Bondsville Mill Committee representatives will be attending the February 21, 2019 business meeting with a resolution of support for this grant application, and included in the grant application will be a number of the additional documents asked for. Supervisor Winters asked the amount budgeted this year. Mr. Buczala noted \$148,000.00 total, with \$40,000.00+ earmarked for the pad work and the remaining \$100,000.00 earmarked for building work.

### **Subdivision & Zoning Applications**

#### **NVR, Inc. – Weaver Tract – Conditional Use Hearing Extension thru February 26, 2019**

Solicitor Camp advised that the Township received a letter from NVR, Inc. dated January 15, 2019 extending the date to hold their Conditional Use hearing to and including February 26, 2019. The Board acknowledged this extension and Solicitor Camp noted that the hearing has been scheduled for February 26, 2019, at 7:00 P.M.

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

None this morning.

### **NOTICES**

None this morning.

### **Adjournment**

Vice-Chairman Fischer made a motion to adjourn the public meeting at 9:05 A.M. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Respectfully submitted,



Mary Kemble Slade  
Secretary/Treasurer