

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
February 21, 2019

Those in Attendance:

Kyle P. Scribner, Chairman
Jay G. Fischer, Esquire, Vice-Chairman
Jason R. Winters, Supervisor (Arrived 7:38 P.M.)
Scott T. Piersol, Township Manager
Luke Reven, Assistant Township Manager
Mark Kocsi, Chief of Police
Matthew VanLew, Roadmaster
Kristin Camp, Esquire, Township Solicitor
Mary Kemble Slade, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Thursday, February 21, 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.

East Brandywine Township Police Department

Chairman Scribner turned the meeting over to Chief of Police Mark Kocsi.

Commendations to Sergeant Glenn Mooney & Officer Tanner Smith

Chief Kocsi welcomed all in attendance, and introduced Sergeant Glenn Mooney and Officer Tanner Smith. He reported that on Thursday, January 24, 2019 at approximately 7:02 A.M., East Brandywine Township Police Sergeant Mooney and Officer Smith responded to the Sunoco station for a report of an unconscious male sitting in a vehicle. On arrival at the scene, Officers found the victim unresponsive with difficulty breathing. Officers suspecting a drug overdose immediately put the victim into a recovery position and administered one dose of Naxalone. When the victim did not respond to the treatment the Officers administered a second dose. Shortly after being put into the ambulance the victim regained consciousness. The subsequent investigation revealed that the victim had overdosed on heroin while sitting in the parking lot. As a result of the rescue efforts by Sergeant Mooney and Officer Smith, the victim was revived and survived the medical emergency.

Sergeant Glenn Mooney and Officer Tanner Smith are to be commended for their quick and calm actions while in the performance of duty and for administering first aid which prevented the death of another person.

The Board of Supervisors, staff and audience congratulated the Officers on a job well done.

Swearing In of Officer Ryan Canzanese and Officer Mike Triola

Chief Kocsi introduced Officer Canzanese, informing that he graduated from Garnet Valley High School in 2009, and then attended the Delaware County Community College Municipal Police Academy, graduating in 2013. He has worked as a Police Officer in Norwood Borough, Millbourne Borough, Darby Township and Folcroft Borough Police Departments. He was hired by East Brandywine Township as a part-time Officer in June of 2018. Officer Canzanese's mother Helen held the Bible for the Oath of Office, administered by the Honorable Judge Jeffrey J. Valocchi.

Chief Kocsi introduced Office Triola, informing that he graduated from Plumstead Christian High School in 2007, and then attended the Montgomery County Municipal Police Academy, graduating in 2010. He has worked as a Police Officer for West Chester University, West Caln Township and East Whiteland Police Departments. He was hired by East Brandywine Township as a part-time Officer in November of 2018. Officer Triola's wife Ali held the Bible for the Oath of Office, administered by the Honorable Judge Jeffrey J. Valocchi.

The Board of Supervisors, staff and audience congratulated the Officers on their well-deserved promotions.

Public Comment on Non-Agenda Items

Chairman Scribner asked if there were any public comments on non-agenda items. There were no public comments.

Minutes: Board of Supervisors – February 7, 2019

Chairman Scribner noted the February 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.

Treasurer's Report

Ms. Slade read the account balances as of February 21, 2019 and informed of checks in need of approval for the General, Capital and State Funds. After reviewing the financial reports, Vice-Chairman Fischer made a motion to approve the Treasurer's Report and authorize disbursements as requested. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Township Manager's Report

Manager Piersol noted that the Board of Supervisors approved the submission of the stormwater highway occupancy permit application to PennDOT, which occurred on February 7th. He and Robert Hermley from Pulte Homes have discussed a timeframe for the start of construction, which is expected to begin toward the end of April.

Manager Piersol stated that an FCC Order became effective in January, 2019 that limits regulations for management of wireless communications equipment. He noted that the Township's previous revision of §399-101 *Wireless Communications* set standards and location for poles and antennas in the public right of way, typically small wireless facilities referred to as Distributed Antenna Systems or "DAS". The FCC Order includes maximum time frames for approvals ("shot clocks"), and maximum fees charged for initial applications and recurring fees. Manager Piersol stated that the Township Solicitor's Office has begun review of the Township's current ordinance language in §399-101 *Wireless Communications* and Staff is expecting to have a draft amendment prepared for discussion at the March 20th Task Force meeting.

Manager Piersol noted that the Township's Spring Milemarker will include information on an Act 537 Sewage Facilities Plan survey of all property owners with on-lot septic systems to highlight the importance of completing and submitting this survey, either by return mail or online. This is an important first step in the update of the Township's Sewage Facilities Plan. He noted the Township is asking respondents to answer each question honestly and completely, as the replies to the survey will assist the Township to develop the most efficient and economical ways of planning for the future sewage needs of East Brandywine Township in compliance with PADEP regulations. He added that if the response to the survey request is insufficient, the DEP regulations require the Township to undertake door-to-door visits, which will be time-consuming and costly.

Manager Piersol reported that the annual multi-municipal document shredding and e-waste collection event has been scheduled for Saturday, May 11th from 9 AM to noon. The location of this event has been changed to the North Brandywine Middle School/Reeceville Elementary School complex at 200 Reeceville Road, located across from Brandywine Hospital. He stated it was not possible to secure the use of the K-Mart parking lot in Thorndale due to the closure of the store in December of 2018. Manager Piersol indicated there will be three shredding vehicles from Wiggins Shredding to reduce the wait time, as the number of attendees has continued to increase each year. Scouts from Hopewell Troop 8 will be available to assist with vehicle unloading, and other residents are welcomed to assist at this event by contacting the Township Office.

Manager Piersol noted that in November of 2018, the Chester County Commissioners adopted Landscapes3, an updated comprehensive plan for the County. The County Planning Commission has asked each municipality to endorse Landscapes3 to encourage a consistent approach to addressing growth and preservation by resolution, and Manager Piersol provided the Board with a copy of a draft resolution. He recommended the Board consider this resolution supporting Landscapes3 at their March 7th public meeting. Also, later in 2019, the County Planning Commission will contact each municipality to discuss updating regulations on multi-modal transportation and natural resource protection regulations, which the Board adopted in November of 2018.

Manager Piersol advised that staff has received a complete proposal from the Cohen Law Group to negotiate a Verizon Cable Franchise Renewal for several municipalities, including East Brandywine Township. The Cohen Group has represented local governments for over 21 years in cable franchise and wireless matters, and is uniquely qualified to represent this group of municipalities. Manager Piersol noted East Brandywine Township has recently used Cohen Law

Group to audit Verizon franchise fees paid to the Township, which is still on-going due to Verizon's lack of cooperation in providing information to conduct the audit. For this proposal, the Cohen Group has proposed a flat fee based on each participating municipality's population, and the number of participants in this project. Based on the 18 municipalities who initially indicated their interest in participating in this joint project, East Brandywine Township's cost for participation would be \$4,875.00. One other adjustment to the engagement portion of the proposal was to divide the invoicing into three installments – one-third at engagement, one-third in the middle of the project, and one-third at the project completion. Manager Piersol requested the Board authorize him to execute this agreement to participate in this joint franchise renewal negotiation using the Cohen Law Group of Pittsburgh. Vice-Chairman Fischer made a motion to approve the proposal for Cohen Law Group in the amount of \$4,875.00 as requested. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Assistant Township Manager's Report

Assistant Manager Reven reported that Township Staff took delivery of 700 64-gallon recycle carts early Wednesday. Delivery of carts to the homes of our newest residents delayed by low inventory will resume on Thursday, February 28th. Assistant Manager Reven will be presenting a grant application (Act 101, Section 902 "Program Grant") to be applied to the costs of this purchase retroactively for the Board's consideration in March. If the Township is awarded this funding, the state will pay up to 90% of costs.

Assistant Manager Reven advised that the Township's current contract with Republic Services for curbside collection of refuse and recycling effective January 1, 2015 to December 31, 2019 contained an escalator for the growth of housing units (a.k.a. "stops" for collection) in our Township. This provision required total stop growth to exceed the bid specifications by 10% before any adjustments were made. Assistant Manager Reven noted the growth of our community in just the first four years of this contract has surpassed this threshold. The contract rate for 2019 would have been \$26,435.17 per month; however, in implementing this escalator clause, the rate for the remainder of 2019 will be \$29,403.16 per month.

Assistant Manager Reven reported that Scantek has completed the digitization of Applecross Land Development records. He noted that staff has been using the processing power of multiple work stations to import and run optical character recognition on this material. At this time, the digital archive consists of more than 36,000 pages of records, 4,087 of which were responsive to the Right-to-Know request. The request was satisfied on February 12th. Assistant Manager Reven thanked the Board for their support of additional resources for Staff and to the requestor for granting multiple extensions while we reviewed the material. Assistant Manager Reven noted final billing from Scantek has not been received.

Assistant Manager Reven informed that Township Staff and consultants met with the Department of Conservation and Natural Resources representatives Cheri Matter, Drew Gilchrist, and Mark Hansford on January 31st to kick-off the restroom for Phase I of the Community Park Project. In November the Township received matching funds in the amount of

\$165,000 from the Community Conservation Partnerships Program for the project. As of February 13th, the Township has fully executed grant contracts in-hand.

Assistant Manager Reven reported that Township Staff met with representatives of from McMahan Associates to kick-off the implementation of new cloud-based GIS software and permits tracking system on Tuesday, February 19th. This process is expected to take about four months, and the top priority is streamlining our building permit tracking processes.

Assistant Manager Reven noted that the Historical Commission is pleased to announce its line-up for the Spring 2019 Speakers' Series as follows:

March 17, 2019 – The Arrival of the Mormons and How It Impacted East Brandywine and Wallace Townships. Did you know that before the Mormons traveled to Salt Lake City they were active in our area? John Miller, retired Downingtown School teacher and Gettysburg National Military Park guide, will tell us the details. John is an Educator and Historian at Springton Manor Farm and past President of Chester County Historic Preservation Network.

April 28, 2019 – Follow the Brandywine for the Geology, Ecology, and Architectural Features oo the Border of East Brandywine. Learn about the unique geology, ecology, and history of our area. Christine Coccozza, a science teacher, will be our guide.

May 19, 2019 – The Special Barns of Chester County. Our Chester County barns have long been recognized by barn observers for their forms, styles and diverse building materials. Our speaker, Greg Huber, specializes in pre-civil war era house and barn architecture of Holland Dutch and Swiss-German areas. Greg is an independent scholar, consultant and principal owner of Past Perspectives and Eastern Barn Consultants.

Assistant Manager Reven encouraged everyone to look for the upcoming edition of the *Milemarker* for more information.

Building Inspector/Zoning Officer – Report for January 2019

Manager Piersol read the Building Inspector/Zoning Officer's Report for the month of January, as submitted by Mrs. Norann King. There were 24 building permits issued, 0 zoning permits issued, 24 Use and Occupancy permits issued, and 182 inspections conducted during the month. The total fees collected were \$28,354.00.

Roadmaster's Report

Roadmaster VanLew reported that Staff has completed and sent the forms required by DEP for the Growing Greener Grant for the Culbertson Run Development. These forms were completed with the technical assistance of Cedarville Engineering. This grant is for \$246,021.00. The work planned for the Culbertson Run Development includes tree removal, re-establishment of the roadside swales, underground basins located within Hawthorne Drive and re-paving the road.

Roadmaster VanLew expects construction to start late spring. Vice-Chairman Fischer asked if he has been keeping communications open with the HOA. Roadmaster VanLew indicated he has been in email contact with the HOA president, Mike Mize.

Roadmaster VanLew also reported that the two new Hustler zero turn mowers were delivered earlier today.

East Brandywine Township Police Chief's Report for December 2018

Chief Kocsi noted that in addition to the swearing in of the two new full-time officers, the Department has hired Officer Danny Miller as a part-time officer. Officer Miller is an EMT for Good Fellowship Ambulance, Minquas Fire Company and Skippack Ambulance. He is also a part-time Police Officer with the Royersford Borough Police Department. Officer Miller was sworn in on February 5, 2019 by Judge Valocchi and is presently assigned to the Department's Field Training Program.

Chief Kocsi noted the Department has posted information on their Facebook page regarding driveway paving scams the Department is investigating. He noted that earlier this week, the Department caught up with one of the paving crews and as a result of good investigative work our officers were able to positively identify some of the suspects. Criminal charges are being processed and filed this week.

Chief Kocsi announced that the next Joe with 5-0 will be held on Wednesday, March 6th at Crops Fresh Marketplace starting at 8:00 A.M. State Representative Danielle Friel Otten will be the featured guest.

Chief Kocsi reported on the training completed in January. He also shared a note of recognition from resident Kevin Schneider for assistance provided by Officer Maureen Rae, and his appreciation for the Department as a whole.

Chief Kocsi read the Police Chief's report for January 2019.

Monthly Statistics

Recorded Incidents	2,712
Investigations Completed	206
Criminal Arrests	7
Summary Arrests	0
Warrant Arrests	3
Juvenile Petition	1
Accidents Investigated	16
Traffic Citations Issued	191
Warnings Issued	54
Patrol Miles Logged	8,611

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 January

The following is a summary of the January 2019 Fire Company Report as presented by Deputy Chief Joe Edwards. There were 27 fire incidents and 41 medical incidents in total for the month. In East Brandywine Township, there were 10 fire incidents and 16 EMS incidents. In West Brandywine Township, there were 10 fire incidents and 25 EMS incidents. In Upper Uwchlan Township, there were 0 fire incidents and 0 EMS incidents. During the month, the Fire Company also provided assistance in Caln Township, City of Coatesville, Uwchlan Township, Wallace Township, West Bradford Township, and West Sadsbury Township. There were 3 training sessions, with an average of 22 personnel at each session. They averaged 10 volunteers for each emergency incident.

Deputy Chief Edwards reported that the new ladder truck is in service. He also reported that the improvements to the Gear Room are coming along nicely and nearing completion. He also noted that there are four members of the Department currently taking the EMT class. Deputy Chief Edwards reported that the failing radio tower on the fire hall has been successfully removed. They are currently in the process of obtaining bids for a new boiler, and the banquet hall roof is leaking.

Old Business

None this evening.

New Business

Demolition of former Wissahicken Bottling Plant

Assistant Manager Reven explained that, as part of the Hillendale Development process, the Township took possession of the former bottling plant building located on parcel 30-2-82. As part of the annual review of Township property, staff visited the building site with Risk Management and it was noted that the building needs to be secured or demolished. Given the condition of the building, Assistant Manager Reven stated that Staff's recommendation is to utilize in-house resources to demolish the structure and is seeking permission from the Board to proceed with securing permits and completing the work, with the labor and equipment as available to do so. Roadmaster VanLew advised that the cinder block can be recycled and roofing and other materials disposed of. Vice-Chairman Fischer asked for a cost estimate and man hours. Roadmaster VanLew estimated it will take a four-person crew approximately two weeks to complete. Chairman Scribner questioned equipment use, specifically the backhoe, and suggested the potential of renting rather than using Township owned equipment for the project. Supervisor Winters questioned why the project is proposed at this time. Assistant Manager Reven indicated that the Township's Risk Management agent suggested signage could be used to discourage anyone from accessing the site, but that the building would still need to be secured.

Given the potential difficulties to secure the building, Staff felt it was more practical to propose demolition of the structure to the foundation level, and the best way to make the site safe. Assistant Manager Reven noted that this structure is not a historical resource. Vice-Chairman Fischer was in agreement with the removal of the walls to pad level, and Supervisor Winters with the work proceeding as long as the crew has the time to do so. Consensus direction was given to proceed with the work.

Maintenance Garage RFP

Roadmaster VanLew noted that he prepared an RFP for engineering and design services for the new Maintenance Garage located near the fuel pumps. He stated the plan is for a 5 bay garage and an addition to the salt shed as shown on the overall site plan for the Township complex.

Roadmaster VanLew requested approval from the Board to forward the RFP to designated Engineering firms for design pricing, as this project has been budgeted in the last three or four budgets. Vice-Chairman Fischer made a motion to authorize distribution of the RFP to various engineering firms. Supervisor Winters noted that he does not believe it is needed at this time, as the budget is too high. Vice-Chairman Fischer indicated the budget is not for the RFP/Design stage; rather, it is for the overall project. Supervisor Winters stated that he does not believe the size of the Township warrants 12 bays and 2 salt sheds at this time. Roadmaster VanLew noted that there is equipment being stored outside and he is in the process of getting a second storage container for the recycle totes. He also mentioned the Police would like to utilize one of the bays for their needs. Chairman Scribner asked what items are currently being stored outside. Roadmaster VanLew indicated the emergency management trailer, mower trailer, totes, and the toter delivery jeep are all stored outside currently. Chief Kocsi noted the Mobile Crime Scene Unit is currently being stored outside and the new space would be helpful, and he can foresee a second speed trailer in the future. Chief Kocsi indicated that the accreditation does not allow the use of their garage for storage. Chairman Scribner suggested the possibility of three bays enclosed and two with roof protection, and Supervisor Winters suggested the toter supplier keep them until they are needed. Chairman Scribner tabled the motion to allow time to obtain more information.

Subdivision and Zoning Applications

Fasel Subdivision-434/436 Timber Pass

Lisa D'Andrea, P.E., of Medveczky Associates, was present to discuss this application. She provided a brief summary of the project's processing, noting the Board had passed the amendment to the PRD necessary for the project to be considered. She also noted that the Township Zoning Officer visited the site earlier today. Solicitor Camp stated that the action in front of the Board this evening is for consideration of preliminary/final subdivision approval to allow two units to be subdivided down the party wall. She advised the Planning Commission recommended approval of this application subject to the owner ensuring the buildings are in compliance with the building codes. Solicitor Camp noted that the buildings met code at the time they were built, evidenced by the units being granted an occupancy permit. Chairman

Scribner asked if the walls needed to be opened up to confirm a firewall is in place. Solicitor Camp stated this was not needed. Mr. James Fasel, property owner, stated that the cement party wall can be seen in the basement, and provided a photograph taken last summer during re-roofing, which displays four separate chimneys, one for each fireplace and one for each furnace, indicating there are not common chimneys. Chairman Scribner reiterated his concern of having confirmation that the firewall is in place from the basement to the roof. Vice-Chairman Fischer made a motion to approve the application subject to confirmation that the fire wall extends to the roof. Discussion followed regarding the Township Zoning Officer revisiting the site, and Manager Piersol offered to try to contact the former building inspector to see if he can recall the construction of the units. Supervisor Winters stated he would visit the site tomorrow and check the construction. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

NVR-Weaver Tract Conditional Use Hearing Extension

Solicitor Camp noted the Township received a letter dated February 20, 2019 from Lindsay Dunn, Esquire, of MacElree Harvey on behalf of NVR Homes granting an extension of time until and including March 26, 2019 to hold the first Conditional Use hearing. After brief discussion, it was agreed to hold the hearing on March 25, 2019 at 7:00 P.M. Vice-Chairman Fischer made a motion to accept the extension through and including March 26, 2019. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

NVR-Weaver Tract Preliminary Plan Review Extension

Solicitor Camp noted that in the same letter, NVR Homes is granting an extension of time through April 30, 2019 to review the preliminary plans for this project. Vice-Chairman Fischer made a motion to accept the extension through and including April 30, 2019. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Ordinances & Resolutions for Consideration

Resolution Supporting Chester County Municipal Grant Program Application for Bondsville Mill Park

Previously discussed at the February 7th meeting, Bondsville Mill Committee Chairman Jim Buczala and Vice-Chairman Hud Voltz were present to provide further information on the Committee's proposed application for a Chester County Municipal Grant to obtain funding to pay 50% of the first two of four phases of improvements to the Bondsville Mill Park. The Board was provided for reference a copy of the grant contract, resolution of support, engineer's opinion of probable costs and scope of work. Mr. Buczala explained that the first two phases center on improvements to the horticultural garden project, which will be led by Mr. David Culp, local horticulturalist. He noted that due to the work of many dedicated volunteers, improvements thus far have been done at a fraction of the cost projected in the master plan for the project.

Mr. Buczala informed the Board that the Committee has identified additional grant opportunities. To support the County grant, they also plan to apply for a Commonwealth of Pennsylvania Community Conservation Partnership Program (C2P2) grant to reduce the total local match for Phases I & II down to 10%, and proposed the Fee in Lieu of Open Space funds be used for this.

Mr. Buczala introduced Mr. David Culp, Township resident and horticulturalist. Mr. Culp stated he is looking forward to giving the Township a beautiful garden that is sustainable, economically sound and a tribute to the past. He presented a preliminary vision of what he believes would be an impressive walkable garden for the Mill. He noted that his vision includes this being a regional draw and a hub of horticultural and artistic endeavors. The garden would be a naturalistic design, include 99% native plants and trees and be low maintenance.

Mr. Voltz discussed the resolution of support before the Board, and the project's probable cost, estimated at \$680,333. Due to the anticipated opportunity to obtain additional funding through the state, he requested a local match in the amount of \$47,500 utilizing Fee in Lieu of Open Space funds, reduced from the originally anticipated \$237,558 request. Mr. Voltz added that both County and State representatives are supportive and excited about the project, and have commented that a project such as this would demonstrate to other Township's how to repurpose their landscapes. He noted the County application is due next Thursday with the results being known shortly thereafter, and the State application is due April 10th with the results being known by June.

After discussion, Vice-Chairman Fischer motioned to adopt Resolution 04 of 2019, approving participation in the Chester County Municipal Grant program with a local available match in the amount of \$47,500. Chairman Scribner seconded the motion. Supervisor Winters voted Nay. Motion passed 2-1.

Public Comment on Agenda Items

Chairman Scribner asked for public comments on agenda items.

Mr. Matt Kanapesky, 425 Creek Road, offered comments on the Wissahicken Bottling Plant demolition and noted his belief of property boundary inaccuracies related to Mr. Kanapesky's adjacent property. The Board indicated they would look into this item. Mr. Kanapesky also commented on tree removal within Culbertson Run Development, and expressed concerns regarding potholes he observed on Hopewell Road.

Notices

Chairman Scribner stated that an Executive Session of the Board of Supervisors was held following their work session meeting on February 7, 2019 in order to discuss legal matters.

Adjournment

Vice-Chairman Fischer made a motion to adjourn the public meeting at 9:37 P.M. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Respectfully submitted,



Mary Kemble Slade,
Secretary/Treasurer