

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

Those in Attendance:

Kyle P. Scribner, Chairman
Jay G. Fischer, Esquire, Vice-Chairman
Jason R. Winters, Member
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, March 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.

Chairman Scribner introduced Eagle Scout Candidate Trager Brown. Eagle Scout Candidate Brown addressed the Board regarding his potential Eagle Scout project in Community Park that would enhance the area adjacent to the Sugar Maple tree planted in honor of his brother, Taggy Brown. Eagle Scout Candidate Brown presented a PowerPoint presentation to outline his project, which would include a garden, brick path and benches improving the appearance in that area of the park and providing users of the trail a place to rest. At its conclusion, Eagle Candidate Brown requested the Board's permission to perform the project. Vice-Chairman Fischer suggested Manager Piersol put him in touch with David Culp, Township resident and horticulturalist, who may be able to assist Eagle Scout Candidate Brown with the selection of plants for the project. He encouraged Eagle Scout Candidate Brown to return and maintain the area in memory of his brother as well. Chairman Scribner asked how donations could be made for the project. Eagle Scout Candidate Brown noted that bricks will be sold engraved with the name of the donating person(s), as well as a GoFundMe page. Chairman Scribner asked that Eagle Candidate Brown send the link for the GoFund Me page to the Township once it is established. Chairman Scribner thanked Eagle Scout Candidate Brown for his presentation and the Board wished him good luck with his project.

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.

Mr. Matt Kanapesky, 425 Creek Road, offered comments regarding a discrepancy in the spelling of the name on his deed and possible inaccuracies with the documented acreage of his property, which is adjacent to a Township owned parcel. After discussion, the Board stated they will review the boundaries related to the Township owned parcel (30-2-82).

Supervisor Winters asked about the need for written meeting minutes and inquired if the Township could simply rely on the video recording for each meeting. Solicitor Camp advised that the Sunshine Law requires written minutes, which include official action taken during the meetings, record the motions of the Board, and list members of the public who participate in meetings and a summary of their comments.

Minutes: Board of Supervisors – February 21, 2019

Chairman Scribner noted the February 21, 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 – February 6, 2019

Chairman Scribner noted the February 6, 2019 Planning Commission 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.

Old Business

Roadmaster VanLew noted that he sent an email to the Board on February 27, 2019 providing some additional information regarding the proposed maintenance garage addition. He requested permission to forward the RFP to designated Engineering firms for design pricing. Supervisor Winters suggested waiting until next year. Chairman Scribner questioned the design proposed as possibly being too extensive, and after discussion suggested additional data be provided and a design be discussed. The item was tabled, with Vice-Chairman Fischer suggesting a meeting be scheduled with Roadmaster VanLew and Board members to further discuss and evaluate what is needed.

New Business

PADEP Performance Grant Act 101, Section 902 Application

Assistant Manager Reven reported that the PADEP Performance Grant Act 101, Section 902 Application is ready for submission and asked the Board's permission to make the application. He noted that the grant, if awarded, would pay 90% of cost of the recycling totes just purchased. A second project included in the grant application would provide for changes needed to the recycling ordinance, and the related cost of advertising and legal review for that process. Vice-Chairman Fischer made a motion to allow the submission of the application for the recycling program grant in the amount of \$32,840.00. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Closure of DNB Escrow Account

Secretary Treasurer Slade noted that last year the Township accepted the Deed of Dedication of Kestrel Drive in Hawks Nest Meadows development. There was a performance escrow account established for this development in accordance with a Road and Improvement Construction Agreement with the Township. As part of the of dedication the developer, JAND Enterprises, provided a letter authorizing the release of the remaining funds in this escrow account to East Brandywine Township and to close out the account. Secretary Treasurer Slade stated that in order to accomplish this DNB requires a cover letter from the Township with three authorized signatures and requested consensus approval to proceed to close the escrow account, with a balance of \$4,024.48, and transfer the funds to the Township's General Fund. Vice-Chairman Fischer made a motion to approve the closeout of the account and transfer the funds to the Township's General Fund. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Subdivision & Zoning Applications

East Brandywine Baptist Church LEAP Preschool

Pastor Brian Fuller was present to inform the Board of the church's intentions for a new Preschool on their campus. He noted that they are exploring the idea of a preschool for ages 3 to 5 years old Monday through Friday, and provided an overview of the project. A proposal and development manual were provided for the Board's review. Pastor Fuller advised that he has met with Manager Piersol, Planning Commission Chairman Rawlings, and the Township Zoning Officer, and that there would be no changes to the building but the proposal would require a Conditional Use. Chief Kocsi asked about the enrollment number and the proposed playground addition. Pastor Fuller stated that he anticipates no more than 100 children, and that the proposed playground area will be fully enclosed. Pastor Fuller indicated that he anticipates submitting the Conditional Use application for consideration shortly. The Board thanked Pastor Fuller for his presentation.

Ordinance Task Force Update

Manager Piersol reported that the Ordinance Task Force has been working on a scenic and historic resources amendment to the Land Use Code which includes a scenic resources map. The intent of the ordinance amendment would be to create a scenic district overlay, protecting and maintaining the existing visual integrity of view sheds within the proposed district. Manager Piersol advised that he has met with Solicitor Camp, John Gaadt, and David Sweet to discuss Solicitor Camp's concerns regarding the impact on property owners along these roads and scenic corridors that extend through certain properties. Manager Piersol wished to discuss with the Board this process and ensure they have a comfort level with proceeding. He noted the idea of scheduling a special meeting for the owners whose properties would be subject to the regulations, to explain how the regulations might impact their properties in the future. He added that Nate Cline is working to revise the map which reflects the view sheds being discussed. Solicitor Camp noted the importance of the ordinance being very clear as to what is regulated, so that everyone understands its meaning if a property is within this scenic district overlay. She

added that the majority of the Board should be interested in proceeding given the consultant costs involved.

Solicitor Camp described the three proposed Scenic Subdistricts; (1) a corridor 200 feet measured from the road right-of-way, (2) a corridor 200 feet beyond the road right-of-way, and (3) a corridor 200 feet to 1000 feet from the road right-of-way. Supervisor Winters noted his concern regarding the potential limitations to property owners. Manager Piersol pointed out that this item is in place through the Comprehensive Plan; however, only a map is provided with no guidance as to what it means. Vice-Chairman Fischer added that the Comprehensive Plan identified what the Township considered to be important resources, such as historic buildings and the view shed, but there is no language as to how to preserve or protect them. This amendment would provide the structure to allow them to be considered in the planning process. Manager Piersol will provide the entire document and a larger copy of the map to the Board for ease of reading. He added that this item will be discussed at the March 20th Ordinance Task Force meeting. Solicitor Camp suggested the Board consider attending the meeting, review the materials and provide their feedback.

Resolution 05 of 2019 Endorsing Landscapes3, Chester County Comprehensive Plan

Manager Piersol introduced this resolution, the purpose of which is to support a consistent approach across the county for addressing growth and preservation. He added that the County is requesting all municipalities in Chester County support Landscapes3 as part of their planning toolbox.

Vice-Chairman Fischer motioned to adopt Resolution 05 of 2019. Chairman Scribner seconded the motion, with all members voting Aye.

Public Comment on Agenda Items

None this morning.

NOTICES

Chairman Scribner stated a brief executive session was held after the Board's February 21, 2019 meeting to discuss legal matters.

Adjournment

Vice-Chairman Fischer made a motion to adjourn the public meeting at 9:19 A.M. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Respectfully submitted,



Mary Kemble Slade
Secretary/Treasurer