

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS  
WORK SESSION  
May 2, 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, May 2, 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.

**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 no public comments.

**Minutes: Board of Supervisors – April 18, 2019**

Chairman Scribner noted the April 18, 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 – April 3, 2019**

Chairman Scribner noted the April 3, 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**

### **Proposed Changes to Exhibit A: “Athletic Field and Township Park Rules, Policies, and Procedures” of Chapter 182 Parks and Recreation Areas**

Assistant Manager Reven presented suggested changes developed by a Parks & Recreation subcommittee for the Policies and Procedures, Permits, and Parks Rules for the use of Township Parks and Recreation Areas. He noted that this is the second viewing of these proposed changes to the Chapter 182 of the East Brandywine Township Code. Assistant Manager Reven stated that there is no facility reservation policy in the current ordinance and that these suggested changes may help to address some of the concerns dealing with damage to the park athletic fields. He requested the Board consider authorizing staff to advertise and place this proposed language in ordinance format for the Boards consideration. Vice-Chairman Fischer made a motion to authorize Staff to advertise the proposed ordinance as presented. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

## **New Business**

### **PSATS Build a Better Mouse Trap Award Presentation**

Roadmaster VanLew informed the Board that the Township received the highest award in PennDOT’s Build a Better Mousetrap Contest, receiving the award from Lou Feretta, Director of PennDOT’s Local Technical Assistance Program (LTAP), during the Pennsylvania State Association of Township Supervisors (PSATS) Excellence Awards ceremony. This event recognizes the significant achievements of townships and their officials from across the state, and was held as part of PSATS Annual Educational Conference and Exhibit Show in April. He explained that the Road Department crew developed an apparatus to assist in storing their salt spreaders, given the limited amount of space in their garage. The device consists of a portable storage rack for the spreaders made of scrap lumber and purchased wheels for \$50.00. The rack holds four spreaders and can be moved around the garage and outside to a lift for mounting the spreaders on a truck. This saves time for the Department, allowing one person and no extra equipment to install and remove salt spreaders from the Township trucks. Prior to this, the spreaders had to be moved and mounted with the assistance of two crew members and a backhoe. Roadmaster VanLew recognized his Road Department crew, consisting of Derrick Claas, Christopher Ott, and Kyle Mortzfield. The Board congratulated them on a job well done.

### **Discussion: Proposed Zoning Ordinance Amendment to Permit a School as a Conditional Use in the MU-Mixed Use-Commercial District**

Mr. John Jaros, Esquire, of Riley Riper Hollin & Colagreco, attorney for ELU-Planebrook Guthriesville, LLC, was in attendance to discuss his clients’ request to add the use of a school as a Conditional Use in the MU Commercial District. Mr. Jaros presented a sketch plan showing his clients’ 20.47 acre property along US 322 near the intersection of Corner Ketch Road, where the Downingtown Area School District has expressed interest in building a 5<sup>th</sup> and 6<sup>th</sup> Grade Elementary School. Mr. Jaros noted he has met with Township Staff and has prepared a draft ordinance amendment submitted to Solicitor Camp. Supervisor Scribner indicated that he would

abstain from discussion and voting due to his personal relationship with both of Mr. Jaros clients. Supervisor Fischer expressed concern that the current definition of “school” in the Township Code is too broad. He suggested the definition be refined to include the requirement of the PA Department of Education’s approval for any school that would be considered for the property. He stated he is comfortable with a 5<sup>th</sup> and 6<sup>th</sup> grade elementary school, but is not in favor of a pre-school at this location. Solicitor Camp indicated that the ordinance amendment could exclude pre-school and day cares within the definition. Solicitor Camp asked Mr. Jaros if they could comply with the current area and bulk requirements in the ordinance. Mr. Jaros stated his clients’ engineer has indicated the requirements could be met. Supervisor Winters indicated that he is comfortable with the proposed change.

As part of this discussion, Solicitor Camp suggested that the Board may want to consider updating their Conditional Use standards. She suggested this proposed ordinance along with some suggested changes to the current Conditional Use standards be placed on the upcoming Ordinance Task Force meeting agenda. Manager Piersol stated he has already placed these on the May 15<sup>th</sup> agenda. Mr. Jaros inquired as to the timing for authorization to advertise the text amendment. Solicitor Camp advised that if the Task Force is comfortable with the amendment, it is possible it may be approved to be advertised at the Board of Supervisor’s May 18<sup>th</sup> meeting. Chief Kocsi asked if there is a potential targeted opening date. It was stated that there is no date established at this time, however, the current 6<sup>th</sup> grade schools are at capacity. Mr. Jaros thanked the Board for their consideration.

### **Response to West Brandywine Township Letter of April 24, 2019 Regarding the 2016 Agreement to Fund the East Brandywine Fire Company**

Assistant Manager Reven advised that the West Brandywine Township Board of Supervisors has voted to extend the notice of non-renewal deadline to July 1, 2019 for the purposes of affording the parties additional time to negotiate a new funding formula. It was noted that previously West Brandywine Township, East Brandywine Township, and Upper Uwchlan Township voted to extend the non-renewal deadline to May 1, 2019. Assistant Manager Reven indicated that there were two actions required of the Board, one being to consider the offer to extend the deadline, and two being to appoint a Supervisor as a representative to the multi-municipal committee. He noted that he is unaware of any changes in West Brandywine Township’s approach to the funding and that he has had no conversations with anyone from West Brandywine Township regarding the agreement. Vice-Chairman Fischer made a motion to extend the notice of non-renewal deadline to July 1, 2019. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

### **Appoint 2019 Board Representative to the Multi-Municipal Committee Pursuant to the 2016 Agreement to Fund East Brandywine Fire Company**

After brief discussion about who would represent East Brandywine Township on the multi-municipal committee, Vice-Chairman Fischer made a motion to appoint Supervisor Winters to continue as the Township’s representative to the multi-municipal committee to renegotiate the 2016 Agreement to Fund the East Brandywine Fire Company. Chairman Scribner seconded the

motion, with all members voting Aye. Motion passed 3-0. Assistant Manager Reven indicated he will take the lead on setting up a meeting with the three municipalities.

### **Subdivision & Zoning Applications**

There were no items for consideration this morning.

### **Ordinance Task Force Update**

Manager Piersol advised that the Planning Commission last evening recommended that the Board of Supervisors authorize the advertising of an ordinance amendment to Section 300-17 Definitions and Section 399-101 Wireless Communications Facilities. He noted the County's Act 247 review has been completed with no substantive comments. Vice-Chairman Fischer motioned to advertise the proposed Section 300-17 and 399-101 Wireless Facilities Ordinance Amendment. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Manager Piersol advised that the Planning Commission last evening recommended that the Board of Supervisors forward to the Chester County Planning Commission for Act 247 Review, an amendment to Chapter 399, Zoning, Section 399-66 to reinstate information that was unintentionally deleted as part of recent ordinance revisions, along with adding new requirements for the preparation of a Historic Resource Impact Study.

Manager Piersol also advised that the Planning Commission last evening recommended that the Board of Supervisors forward to the Chester County Planning Commission for Act 247 Review, an amendment to Chapter 300, Land Use, Section 300-17 to add definitions for dispensing, growing or processing of medical Marijuana, and in Chapter 399, entitled "Zoning" to provide for the uses of dispensing, growing, or processing medical marijuana in East Brandywine Township. Vice-Chairman Fischer motioned to submit the proposed amendments to Chester County Planning Commission for Act 247 Review. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0. Solicitor Camp noted that Section 399-108.D should spell out the number of parking spaces required for the use. Manager Piersol advised that he will add this under a new Section 5. The Board agreed by consensus to allow the processing of both of these amendments as one combined ordinance.

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

There were no public comments on agenda items.

### **NOTICES**

Chairman Scribner stated that the Uniformed and Non-Uniformed Pension Committee will meet directly following this meeting.

Chairman Scribner stated that the Board of Supervisors will meet in Executive Session following the Pension Committee meeting to discuss legal matters.

East Brandywine Township Board of Supervisors

May 2, 2019

Page 5

**Adjournment**

Vice-Chairman Fischer made a motion to adjourn the public meeting at 8:31 A.M. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Respectfully submitted,



Mary Kemble Slade  
Secretary/Treasurer