

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
Thursday, April 7, 2016**

Those in Attendance:

Jay G. Fischer, Chairman
Arnold M. Kring, Vice-Chairman
Kyle Scribner, Member
Scott T. Piersol, Township Manager
Luke R. Reven, Assistant Township Manager
Mark Kocsi, Chief of Police
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Thursday, April 7, 2016, was called to order by Chairman Fischer at 8:00 AM at the East Brandywine Township Municipal Complex. Also in attendance were Bob Pringle, the MileMarker Editor and two other visitors.

Notice- The Board of Supervisors May Work Session normally scheduled for May 5, 2016 has been changed to May 4, 2016 at 8:00 A.M.

Public Comment on Non-Agenda Items

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

Minutes: Board of Supervisors – March 16, 2016

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Kring made a motion to approve the Board of Supervisor minutes of March 16, 2016, as presented. Mr. Scribner seconded the motion, with all voting Aye.

Minutes: Planning Commission – March 2, 2016

Chairman Fischer asked if there were any additions or corrections to the above minutes. There were none. Mr. Scribner made a motion to approve the Planning Commission minutes of March 2, 2016, as presented. Vice-Chairman Kring seconded the motion, with all voting Aye.

Land Development Plan Review Extension – Applecross Phase 5B

Vice-Chairman Kring made a motion to grant an extension of the review period on the Applecross Phase 5B land development application through and including April 20, 2016. Mr. Scribner seconded the motion, with all voting Aye.

Resolution 07 of 2016 – Authorizing Destruction of Paper Documents of the East Brandywine Police Department

Mr. Scribner made a motion to adopt Resolution 07 of 2016. Vice-Chairman Kring seconded the motion, with all voting Aye.

Resolution 08 of 2016 – Municipal Records Disposition

Vice-Chairman Kring made a motion to adopt Resolution 08 of 2016. Mr. Scribner seconded the motion, with all voting Aye.

Resolution 09 of 2016 – FEMA Disaster Declaration

This Resolution names Mr. Piersol as the agent to execute for and on behalf of East Brandywine Township for matters and reimbursement related to Snowstorm Jonas FEMA D – 4267. A meeting is scheduled for next Friday to meet with FEMA to start the reimbursement process. Vice-Chairman Kring made a motion to adopt Resolution 09 of 2016. Mr. Scribner seconded the motion, with all voting Aye.

Road Occupancy Permit Bond Fee – Brandywine Village Associates Sewer Line Construction

During the March Municipal Authority meeting, it was brought to Mr. VanLew's attention that Brandywine Village will be tying their sewage system to the Township system on Brookhaven Lane within a month. Mr. VanLew mentioned they have not obtained a road occupancy permit for work within the Township right-of-way. The proposed sewer line will be located in their east entrance onto North Guthriesville Road, crossing North Guthriesville Road and into the north lane of Brookhaven Lane tying into a manhole located within the roadway.

The Municipal Authority Engineer, Joseph Boldaz, provided Brandywine Village with the road occupancy permit application, Ordinance 08 of 2011, and the Township fee schedule. Adam Brower, Project Engineer, provided the permit application. Based on the application Mr. VanLew returned a review letter with seven corrections including the permit cost and cost of bond. On March 28th, he received revised plans and a letter dated March 23rd from Mr. Brower. Mr. VanLew's letter dated March 28th states that all seven items were satisfied.

On April 1st, Mr. VanLew received a call from Mr. Paul Prince stating the cost of the Bond is excessive, this is a small cash project and offered \$1,000.00 cash the Township could hold as security for one year. Mr. VanLew informed Mr. Prince he cannot deviate from the Ordinance and the bond numbers were based on their permit application. Mr. Prince asked Mr. VanLew to contact Joe Boldaz saying he would have the budget numbers needed for this portion of the project. Mr. Boldaz requested a construction estimate from Mr. Prince via email. Mr. Boldaz estimated that 40% of the project is within the Township right-of-way based on the lump sum proposal from Carl Bales Excavating Inc. An email was sent to Mr. Prince and Adam Brower indicating the revised bond amount based on the project estimate.

Yesterday afternoon Mr. Piersol and Mr. VanLew spoke to Township Solicitor Stacey Fuller to discuss possible solutions to the bond issue. Ms. Fuller is recommending the Township require the one-year bond based on the road restoration costs within the Township right-of-way and that the Township requests a detailed number. The bond would be 110% of the cost based on the numbers provided.

In order for Mr. VanLew to determine the amount of the bond based on Ms. Fuller's recommendation, the applicant will need to provide a cost breakdown of the work being completed in the Township road right-of-way. Mr. VanLew noted that the bond is to insure road repairs are completed to the satisfaction of the Township, not for the sewer pipe installation. The sewer pipes will ultimately be dedicated to the East Brandywine Township Municipal Authority. Chairman Fischer suggested, if not already done, that the Municipal Authority require a bond for the pipe installation. Mr. Piersol will discuss this with Mr. Boldaz. Ms. Fuller will also look at the Ordinance requiring maintenance bonds to insure it contains language for road work construction that is not being completed as part of a subdivision or land development application.

After review of the information provided by Mr. VanLew, the Supervisors unanimously agreed that the bond should equal 110% of the cost. This information will be forwarded to the applicant.

Ordinance Task Force Amendments

1. As-built plans – the Planning Commission is recommending the Board advertise this amendment for consideration at their May 4, 2016 meeting. Vice-Chairman Kring made a motion to advertise the amendment. Mr. Scribner seconded the motion, with all voting Aye.
2. Definitions – Mr. Piersol explained that there are changes in the Historic Resource Protection amendment that is significant enough to warrant an additional Act 247 review. Vice-Chairman Kring made a motion to forward the revised amendment to the Chester County Planning Commission for a second Act 247 review. Mr. Scribner seconded the motion, with all voting Aye.
3. Historic Resource Protection – Mr. Sweet and Mr. Buczala raised concerns about the time-frame for the Historical Commission to review demolition permits, thinking it was too open-ended. This item has been referred back to the Ordinance Task force for further review.
4. Changeable / LED signs – The Planning Commission is recommending the Board forward this amendment to the Chester County Planning Commission for an additional Act 247 review. Mr. Piersol said that Ms. Fuller is also reviewing a Supreme Court decision with regard to regulating signs. If it is determined that their ruling will not affect the draft ordinance it should be forwarded. Mr. Scribner made a motion to forward the revised draft ordinance to the Chester County Planning Commission. Vice-Chairman Kring seconded the motion, with all voting Aye.

Non-Uniform and Police Pension Committee Meeting

A meeting of the Non-Uniform and Police Pension Committee will be held Thursday June 2, 2016 directly following the 8:00 A.M. Board of Supervisors meeting.

Executive Session

The Board of Supervisors will meet in Executive Session directly following this meeting to discuss personnel issues.

Additional Public Comments

Chairman Fischer asked if there were additional comments from the audience. There were no questions or comments.

Adjournment

There being no further business, Vice-Chairman Kring moved to adjourn the meeting at 8:15 A.M. Mr. Scribner seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer

