

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
June 15, 2016**

Those in Attendance:

Jay G. Fischer, Chairman
Arnold M. Kring, Vice-Chairman
Kyle P. Scribner, Member
Scott T. Piersol, Township Manager
Luke D. 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 Wednesday, June 15, 2016 was called to order by Chairman Fischer at 7:30 PM at the East Brandywine Township Municipal Complex. Also in attendance were Bob Pringle, the MileMarker Editor and 11 other visitors.

Opening of Meeting

Chairman Fischer opened the meeting with a Salute to the Flag.

Downingtown Library Presentation

Downingtown Library Board member, Ms. Francine Dague attended the meeting to provide an update on the Library's Capital Campaign. The campaign is nearing an end, with almost \$2,000,000 collected of the \$2,200,000 goal. The building is done, with many new programs for residents. The next two projects slated for completion this year are landscaping and repaving the parking lot. Two events upcoming events are scheduled at the Downingtown Country Club; Links for the Library on July 25th and Library Love scheduled for September 29th. Ms. Dague thanked the Board of Supervisors and residents for their continued support.

Public Comment on Non-Agenda Items

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

Minutes: Board of Supervisors – May 18, 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 May 18, 2016, minutes as presented. Mr. Scribner seconded the motion, with all voting Aye.

Minutes: Board of Supervisors – June 2, 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 June 2, 2016, minutes as presented. Mr. Scribner seconded the motion, with all voting Aye.

Minutes: Planning Commission – May 4, 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 May 4, 2016, minutes as presented. Mr. Scribner seconded the motion, with all voting Aye.

Minutes: Planning Commission – June 1, 2016

The June 1, 2016 Planning Commission minutes are not yet available for review.

Treasurer's Report

Mrs. Smedley read the account balances as of June 15, 2016. After reviewing the financial reports, Vice-Chairman Kring made a motion to approve the Treasurer's Report and authorize payment of the bills. Mr. Scribner seconded the motion, with all voting Aye.

Township Manager's Report

1. The Hillendale development, located on the hillside between Township Road and Creek Road, north of Dowlin Forge Road, is proposed to move ahead to construction. Southdown Homes is proposing to sell this project to Metropolitan Development Group from Wyomissing, PA. The project has been on hold since 2008 after the housing market decline. 209 new dwelling units are proposed, a mix of townhomes and small single-family homes, along with the renovation of an existing dwelling near Creek Road with an historic background, and another historic dwelling proposed to become a community center for the residents of this development. Construction of the spine road, which will connect Creek Road and Township Road, is proposed in two phases, and will be completed by June of 2017, prior to occupancy of the model homes for the project. National homebuilder D.R. Horton has been selected to construct the dwelling units. Initial site work is expected to begin later this summer.
2. The Township received word late in the afternoon of June 14th from the County Bridge Engineer that a repair for the deteriorated floor beam / girder connections has been designed for Hadfield Road Bridge #244. The County's Bridge Crew may begin making repairs as early as Wednesday, June 15th, as the fabricated steel needed to make the repair has already been received. Once the repairs are made, the weight restriction will remain at 3 tons, which is the rating prior to the bridge closing. Further updates will be posted about the bridge on our website.

3. The bridge manufacturer and contractor for the Osborne Road Bridge project in Caln Township met today to try to devise a plan to remove the bridge sections from the truck delivering the bridge to the site. This project has stalled for several weeks due to concern about damaging the bridge sections while the crane sets the sections on the abutments which have been prepared at the site. The goal remains to re-open the bridge to traffic by June 30th of this year, although that is questionable at this point since there are some challenges to delivering the bridge. Updates will be posted on the Township web site as they become available. Residents along Osborne Road and the Wooded Acres and Locust Knoll developments will be informed when bridge will be delivered since it may necessitate closing Osborne Road for several hours. Mr. Scribner asked what the weight limit would be for the new bridge. Mr. Piersol said that there would be no weight limit.
4. Mr. Piersol provided the final draft of an agreement for the Board's consideration this evening for the property located at 151 Zynn Road. This agreement is for mitigation of the partial demolition and reconstruction of an historic springhouse on the property as a garden shed, which occurred without building permit approval by the Township. The agreement is intended to memorialize work done at the Bondsville Mill Park recently, recommended as mitigation for the changes to the springhouse by the Historical Commission and Bondsville Mill Park Committee. Mr. Piersol requested the Board's approval to execute this agreement, subject to the countersignature by the Trustees for the property owner. Chairman Fischer asked if there were questions. Seeing none, Vice-Chairman Kring made a motion to approve the Settle Agreement made this 15th day of June, 2016 between East Brandywine Township and the Kim Risbon Revocable Agreement of Trust Dates August 17, 2009, which is intended to resolve and conclude an appeal to the East Brandywine Township Zoning Hearing Board. Mr. Scribner seconded the motion, with all voting Aye.

Assistant Township Manager's Report

1. Whitaker Memorial Trailhead Park Signage / Meeting June 16 Invitation

Work to develop the Township-owned parcel located at 391 Creek Road is nearing completion. Site furnishings, including five benches and trash cans are in place. Improvements to the pathways and bridges are also complete. These improvements have been made with the generous support of private individuals to a fund managed by the West Chester Community Foundation and created by Peggy and the late Dr. Richard Whitaker.

The plan calls for the addition of a three-panel interpretive kiosk shown as a green triangle on plans below. Staff is meeting with Sheila Fleming of the Brandywine Conservancy to discuss finalizing the language on this sign at a meeting tomorrow here at the Township Administration Building. Other topics to be discussed are a dedication ceremony (if desired) and the future Township maintenance of the park. Draft language for the kiosk panels was provided to the Board. Any feedback from Members of the Board on this project is welcomed.

2. Video Capture of Board Meetings Update

At the August 6, 2015 Board of Supervisors Work Session, staff presented two proposals from COSTARS vendors for recording Board of Supervisors meetings for later rebroadcast on the Township's website. The proposals were for the purchase of two videos cameras, an area microphone, production equipment as well as for the re-programming of our existing control panel. The system would be operated by Township staff from the dais during meetings and minimal post-production editing would be performed by staff prior to posting the videos to our website. The Board directed staff to make the purchase from Vistacom.

Staff later discovered that while Vistacom was a COSTARS vendor, they were not vendors in the appropriate state contract known as "Contract 34 – Theatre (Auditorium) Furniture, Fixtures, Audio/Visual Equipment and Musical Instruments." Because Vistacom's bid was in excess of state-mandated threshold on purchases exempt from bidding requirements the purchase was postponed while Vistacom began work to become a COSTARS vendor under the proper contract.

Vistacom has not since been added as COSTARS vendor or responded to staff's inquiries as to progress toward this end. Last week staff invited Applied Video Technology (AVT), who is a Contract 34 COSTARS vendor to prepare an estimate. The results will be shared with the Board when they are available. This project was included in the FY2016 Annual Budget, Township Capital Improvements Fund.

3. First Summer Concert in Community Park

The Parks and Recreation Committee would like to extend an invitation to all to attend a free summer concert in the East Brandywine Community Park on Friday, June 24. The concert is one of two that will be hosted in the park this summer, and is an entirely new event as part of the 25th anniversary celebration of the Park happening all year. This first concert features "DNR" a rock-n-roll cover band. Bring your lawn chair and enjoy great music by The Beatles, Bruce Springsteen, The Rolling Stones, Steely Dan, Elton John and more!

4. Township Participation in Regional Household Hazardous Waste Collection 2017-2020

The Chester County Solid Waste Authority has asked that East Brandywine Township commit to participation in Regional Household Hazardous Waste Collection Program for the three (3) year period beginning in 2017 and ending in 2020. The program provides for at least five (5) collections of household hazardous waste throughout the county each year. All seventy-three (73) municipalities in Chester County participated in the most recent program ending in 2016. The Department of Environmental Protection pays for 50% of this program's costs and the remaining portion is allocated to participating municipalities in an annual assessment proportional to that municipality's population. In East Brandywine Township, this annual bill has been approximately \$2,000. Mr. Reven requested the Board of Supervisors authorize him to execute the 2017-2020 Regional Household Waste Collection Commitment Form. Mr. Kring made a motion to authorize Mr. Reven to execute the form. Mr. Scribner seconded the motion with all voting aye.

Report: Building Inspector/Zoning Officer – Report for May 2016

Mr. Piersol read the Building Inspector/Zoning Officer's Report for May as submitted by Mrs. Norann King. There were 22 building permits issued, 6 zoning permits issued, 25 use and occupancy permits issued, and 86 inspections conducted during the month. The total fees collected were \$16,596.00.

Report: Roadmaster's Report

1. 2017 Dump Truck

Last Friday Mr. VanLew went to New Holland Ford to sign for a Ford F-550 dump truck. The truck has an aluminum body which is new for 2017 which increases the payload. The truck will be outfitted by Kutz of Reading. The dump bed will have 13-inch sides and 19-inch tail gate. This is about 5 inches lower than the 2012 F-550 we have. The lower sides will make it much easier to work out of the back of the truck. Also included are a tailgate spreader and Fisher Extreme V-2 plow.

The total cost for truck is \$72,781.00. This is \$7,200.00 under the budgeted amount.

2. 2016 Road Bid Projects

This year our road project includes Dilworth, Buck, East Buck and East Fisherville Roads. Recently Mr. VanLew met with Jeff McClintock of Caln Township and representatives from Cedarville Engineering to discuss a drainage issue at the East Brandywine/Caln Township line. There is a stormwater pipe in East Brandywine that crosses the road and discharges into Caln Township. This area has extreme erosion along the edge of the road. Mr. VanLew is exploring the possibility of continuing the cross pipe down to the stream. Due to this work not being completed in time for our paving project Mr. VanLew is recommending substituting North Bailey Road for East Fisherville. Although North Bailey Road is slightly longer there is less base repair needed. He anticipates the cost of repairs to be the same. Mr. VanLew requested the Supervisors approve the change in scope of work for the 2016 Road Project. Chairman Fischer made a motion to approve substituting North Baily Road with East Fisherville Road for the 2016 Road Project. Vice-Chairman Kring seconded the motion with all voting Aye.

East Brandywine Township Police Chief's Report for May 2016

1. The State Police Intelligence Supervisor notified the Police Department that they conducted an unannounced audit of the Department's automated computer systems, protected information, policies and procedures. The Department was in compliance with all of the State's laws and policies. Unannounced audits are conducted each year on 5% of all police agencies.
2. Chief Kocsi met with Gordon Beck, the Regional Director of the Aggressive Driving Campaign for the State of Pennsylvania. Mr. Beck informed me that the State has identified Route 322, in the area between Bollinger Road and North Buck Road, as a problem area for

aggressive driving. The State identifies this area using the “contributing factor” information on the Police Department’s accident reports. The contributing factors included speeding, following too closely and improper lane changes.

The State offered to provide the Police Department with a grant of approximately \$4,500 a year to pay for police overtime and to conduct aggressive driving enforcement details. Enforcement details are run in March and April, July and August, and November and December. The target times will most likely be Monday through Friday during the two rush hours.

Chief Kocsi provided a copy of the agreement for the Board to review. The document requires an elected or designated Township official’s signature. Chief Kocsi asked the Board authorize accepting the grant award and to have Mr. Piersol be designated to sign the documents once they are completed. Chief Kocsi asked if there were any questions. There were no questions or comments. Mr. Kring made a motion to accept the grant and to designate Scott T. Piersol to sign the documents. Mr. Scribner seconded the motion, with all voting Aye.

3. Chief Kocsi thanked the Board for providing him with the opportunity to attend the FBI LEEDA seminar last week at Princeton University.
4. A mock inspection for the Police Accreditation is scheduled for Monday July 11th. The final Accreditation review is scheduled for September 7th and 8th.

Monthly Statistics

Recorded Incidents	2034
Investigations Completed	182
Criminal Arrests	5
Summary Arrests	6
Juvenile Petitions	0
Accidents Investigated	9
Traffic Citations Issued	121
Warnings Issued	30
Vacation House Checks	35
Patrol Miles Logged	9,688

Training Completed

1. Detective Daniel Orris – Crisis Intervention Certification
2. Office Beau Shepard – Firearms Level 2 Training/Certification
3. Chief Mark Kocsi – FBI LEEDA
4. Department – Less lethal recertification/ handcuffs, baton, pepper spray, taser

Fire Company's Activity Report for May 2016

The following is a summary of the May 2016 Fire Company Report as presented by Fire Chief John Edwards. There were 13 fire incidents and 25 medical incidents in total for the month. In East Brandywine Township, there were 4 fire incidents and 13 EMS incidents. In West Brandywine Township, there were 6 fire incidents and 12 EMS incidents. In Upper Uwchlan Township, there were no incidents. During the month, the Fire Company also provided assistance in Caln Township, Downingtown Borough and Upper Uwchlan Township. There were a total of 4 trainings during the month with an average of 27 members at each training session.

Hopewell Road Pharmacy Land Development Plan

The subject property, 100 Hopewell Road, is situated within the TND-1 Zoning District. This property was previously used as a single-family dwelling until fire damaged it last year. The applicant proposes to purchase 100 Hopewell Road, title 100 Hopewell Road to Silver Bow, LLC, and incorporate 100 Hopewell Road into his plan of development, which includes tax parcel 30-5-68, 1199 Horseshoe Pike. By titling 100 Hopewell Road to Silver Bow, LLC the applicant stated that this would satisfy the Township's common ownership requirement. 1199 Horseshoe Pike has an existing building, which will be the pharmacy, and 100 Hopewell Road will provide parking.

At their June 1st meeting, the Planning Commission recommended the Board of Supervisors grant final plan approval with the following conditions:

1. Compliance with the May 17, 2016 Yerkes review letter.
2. Resolution of the Open Space and Traffic Impact Fees to the satisfaction of the Board of Supervisors.
3. Finalize the landscape plan to the satisfaction of the Planning Commission and Board of Supervisors.
4. Approval of permits from all outside County, State and Federal agencies.
5. Compliance with all other representations made in the June 1, 2016 Planning Commission minutes.

Chairman Fischer asked the applicant, Tony Scalies if he was in agreement with these conditions. Mr. Scalies said that he was in agreement with the conditions.

Mr. Scalies asked if the Supervisors would consider waiving or reducing the open space fee in exchange for work he plans to complete on the Verma property, which is directly east of the

Pharmacy on Hopewell Road. Chairman Fischer said that the Supervisors didn't have the ability to use open space funds for a project without a public purpose. The Supervisors did say that they would be willing to work out a payment schedule for payment of the Open Space and Traffic Impact fees over a 12 month period which will commence 30 days from the date of the pharmacy opening. Mr. Scalies agreed to that payment plan. Mr. Dennis Whitely, owner of the pharmacy property said Mr. Scalies has asked about these fees for the past several months and he thought this discussion was at the last minute. Chairman Fischer disputed this saying Mr. Scalies was aware of these fees since he applied for a land development application. Mr. Scribner agreed, stating that the final decision about the fees had to be resolved in a public meeting.

Vice-Chairman Kring made a motion to grant final plan approval for this land development application with the following conditions:

1. Compliance with all items listed in the Yerkes Associates May 17, 2016 review letter.
2. Finalization of the landscaping plan to the satisfaction of the Planning Commission and the Board of Supervisors.
3. Approval of all permits from outside agencies as required.
4. Resolution of payment of the Open Space and Traffic Impact Fees. The Board of Supervisors has agreed to amortize the payment of these fees, which total \$23,795.24 over a 12-month period. Payments will commence 30 days from the date of the pharmacy opening, and continue monthly until completion.

An amortization schedule will be provided to Mr. Scalies. A temporary Use & Occupancy Certificate for the pharmacy facility will be issued for a period not to exceed 13 months. Should the payments as amortized not be completed within the specified time period, use and occupancy approval for the pharmacy facility will be suspended.

Mr. Scribner seconded the motion, with all voting Aye.

Riggs Lot Line Change

Riggs' property includes approximately 25-feet of frontage along the La Vida Via cul-de-sac. Access to the dwelling is by a paved driveway through a strip of land owned by the Riggs. The property is serviced by on-site well and on-site septic.

The Riggs' neighbors, the Seaces, intend to construct a fence along the common property line between the two properties. The Riggs propose a land swap with the Seaces in order to provide more distance between the front of their existing dwelling and the Seace's proposed fence. The Seace's property is currently non-conforming with regard with Minimum Lot Area.

The proposed land swap will result in a slight reduction in lot size for the Seaces and an equally, slight increase in lot size for the Riggs. The total area difference is 35 square feet. The Township Zoning Officer has determined that the reduction in lot size for the Seace's property is de minimis, and would not require zoning relief.

The Planning Commission is recommending the Board of Supervisors grant preliminary plan approval. Vice-Chairman Kring made a motion to grant preliminary plan approval for this lot line change. Mr. Scribner seconded the motion, with all voting Aye.

Chatfield Zoning Hearing – July 5, 2016

The East Brandywine Township Zoning Hearing Board will meet on Tuesday, July 5, 2016 at 7:30 P.M. to hear the application of William Chatfield, 5 E. Buck Road to construct an accessory structure and driveway. The proposed improvement will generate an impervious coverage of 12.27% of the lot. The subject property is located in the R-1 Zoning District on a 2.5 acre non-conforming lot which permits a maximum impervious surface coverage of 10%. The applicant is requesting a variance from Section 399-22A(5) of the Zoning Ordinance.

Mr. Chatfield explained that he has been a Township resident since 1982. As he is nearing retirement, his hobbies are taking up more of his time. Since grade school Mr. Chatfield has built and flown model airplanes and has also been interested in wood working. Over the years, he has built numerous pieces of Early American reproduction furniture for his home.

Currently, Mr. Chatfield has a basement workshop where he pursues these activities. Unfortunately, the byproducts of dust and fumes from some of the finishing products such as aircraft glue and furniture lacquer are causing respiratory problems for his wife, Cindy.

Mr. Chatfield is proposing to construct a detached accessory structure in order to move his hobbies out of the basement. This will increase his impervious cover to 12.27%. However, Mr. Chatfield's engineer has submitted a stormwater management report, which indicates they will be able to capture an additional 4,792 sq. ft. of stormwater. The proposed construction is 1,012.50 sq. ft. The Township Engineer will not review the stormwater information provided until a building permit is received, but the applicant will need to comply with Chapter 345 of the Township Ordinance.

In his May 25, 2016 review letter, Township Engineer Mark Padula stated that the proposed building might encroach into steep slopes. If that is the case, the applicant will need either have to move the building or ask for additional relief. Mr. Chatfield stated he chose the location so that it was not near his well or septic system and it minimized tree disturbance. He will have his engineer verify the steep slope area.

The proposed structure has a basement, main floor and a second story for storage. Mr. Chatfield stated that the building would not be used for commercial purposes and he stipulated that it would never be used as a residence. The building does meet the required setbacks and will have

electric, but not water. The building will be heated and air-conditioned and will have an exhaust fan for ventilation. In addition to the equipment he uses for his hobbies, including paints and lacquer, Mr. Chatfield will be storing lawn and other maintenance equipment in the building.

The Planning Commission supported the application with the following conditions:

1. Compliance with the May 25, 2016 Yerkes review letter.
2. The applicant will record a Memorandum of Zoning Hearing Board Decision that the accessory structure will not be used for commercial purposes or as a residence.
3. If it is determined that the proposed structure is located within steep slopes, the applicant will either amend the variance application to ask for additional relief or move the building so it doesn't encroach within steep slopes.

Chairman Fischer asked Mr. Chatfield if he was agreeable to the conditions recommended by the Planning Commission. Mr. Chatfield said he would comply with the conditions. Vice-Chairman Kring made a motion to support the variance request(s) with the conditions recommended by the Planning Commission. Mr. Scribner seconded the motion, with all voting Aye.

Resolution 11 of 2016 – Adopting a Policy for the Use of the Programmable LED Sign Located at the Municipal Administration Complex

Chairman Fischer asked if there were any questions. The Board discussed which groups will be permitted to use the signs. Mr. Reven explained that when writing the policy he included East Brandywine Youth Association (EBYA), Downingtown Area Recreation consortium (DARC), the East Brandywine Fire Company and the Downingtown Area School District as preferred groups in order to advertise special events. Because of high demand and the limited number of messages that can be effective, he excluded other groups, including non-profits in the Township. The Supervisors discussed the feasibility of adding these groups but decided that the Policy could be amended in the future if it was determined that the Township could accommodate other organizations. Vice-Chairman Kring made a motion to adopt Resolution 11 of 2016. Mr. Scribner seconded the motion, with all voting Aye.

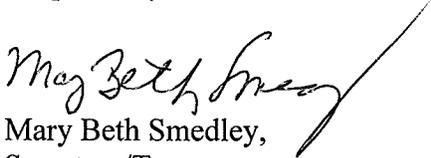
Additional Public Comments

Chairman Fischer asked if there were additional comments from the audience. Mrs. Sandra Moser reported that there was water run-off and debris coming down from North Bailey Road and the inlet in front of her property was sinking, causing water to collect at the intersection of North Bailey, Hadfield and Bondsville Roads. She asked if Mr. VanLew could visit the site to determine what is causing the problems and offer solutions. She said that the shoulder of the road is eroding and she is concerned that it is causing a dangerous situation for motorists.

Adjournment

There being no further business, Mr. Scribner moved to adjourn the meeting at 8:30 PM. Vice-Chairman Kring seconded the motion, with all voting Aye.

Respectfully submitted,


Mary Beth Smedley,
Secretary/Treasurer