

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
July 20, 2016**

Those in Attendance:

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
Mary Beth Smedley, Secretary/Treasurer

Absent:

Jay G. Fischer, Chairman
Matthew T. VanLew, Roadmaster

The East Brandywine Township Board of Supervisors meeting of Wednesday, July 20, 2016 was called to order by Vice-Chairman Kring at 7:30 PM at the East Brandywine Township Municipal Complex. Lt. Gene Babetski, Corporal Steven Leifholt, Corporal James Ferraro, Officer Steven Tyree, Detective Daniel Orris, Officer Beau Shephard, Officer John Hayes, Officer Cyle Harnish, Officer Juan Lemus, Officer Maureen Rae and 25 other visitors were also in attendance.

Opening of Meeting

Vice-Chairman Kring opened the meeting with a Salute to the Flag.

Swearing-In Ceremony – Officer Maureen Rae

District Justice Jeffrey Valocchi administered the Oath of Office to Maureen Rae, who has been promoted to a full-time Police Officer. Maureen graduated from Bishop McDevitt High School in 2006 and West Chester University in 2012. In addition to working part-time at East Brandywine Township Police Department as a part-time police officer, Maureen also previously worked as a police officer at West Chester University and for the City of Coatesville. Officer Rae was congratulated by the Board, Chief Kocsi, Mr. Piersol and Mr. Reven, her family, friends and fellow police officers.

East Brandywine Township Police Department Unit Commendations – Detective Daniel Orris, Officer Cyle Harnish, Officer Juan Lemus and Officer Maureen Rae

On Saturday, June 11, 2016 at 10:50 P.M., East Brandywine Township Police Officer Juan Lemus was on routine patrol in the 300 block of South Caldwell Circle. As Officer Lemus passed a community parking area, he detected a strong odor of burning marijuana. Officer Lemus quickly identified two occupied vehicles as the source of the smell and requested backup assistance. Officer Cyle Harnish and Officer Maureen Rae responded to the scene. Working

together as a team, the Officers engaged each of the three suspects in conversation and made keen supporting observations that led them to conclude that drug activity had been taking place. One suspect was placed into custody at the scene and his car was impounded. Detective Dan Orris was notified and was asked to respond.

Over the next three days, Detective Orris conducted additional interviews, impounded an additional vehicle and completed search warrants which were conducted on the impounded vehicles. Officers found in excess of two pound of marijuana, \$1,630 in cash, a scale, packaging materials, and other drug paraphernalia. An additional suspect was later arrested and charged.

These Officers are to be commended for their outstanding patrol alertness, their teamwork in developing information and probable cause for arrest and for their professionalism throughout the investigation. Their efforts results in the removal of illegal drugs from the Township and the arrest of two suspects who are charged with drug crime including the felony "Possession with the Invent to Deliver".

Congratulations on a job well done!

The Officers were congratulated by Supervisors Kring and Scribner, Chief Kocsi, Mr. Piersol and Mr. Reven.

East Brandywine Township Police Chief's Report for June 2016

After the Commendations were awarded, Chief Kocsi asked all of the Police Officers to stand. He said that this has been a difficult time for Police Officers, their families, and for many communities. The Police Department has been overwhelmed with support from residents who have given cards, flowers, food and many other expressions of appreciation. He wanted the Police Officers to know they are appreciated and thanked them, and their families for their dedication and service. The audience gave a standing ovation to the Police Officers.

State assessors conducted our mock accreditation inspection on Monday, July 11th. Chief Kocsi was happy to report that the inspection went well. The final Accreditation assessment is scheduled for September 7th and 8th.

Pokemon Go – Detective Orris has identified approximately 25 "Poke Stops" in the Township. As a safety alert to the kids and their parents, he put together a pin map, identified locations and made notes of the locations. This information is available on the Police Department's web page. Detective Orris said that he is available to answer questions from the Board and residents. Recently, several players have been seriously injured or been the victims of crime. Children and their parents should be extra vigilant to ensure the safety of everyone.

Monthly Statistics

Recorded Incidents	1,904
Investigations Completed	165
Criminal Arrests	3
Summary Arrests	3
Juvenile Petitions	0
Accidents Investigated	8
Traffic Citations Issued	155
Warnings Issued	37
Vacation House Checks	36
Patrol Miles Logged	9,260

Training Completed

1. Officer Lanza – Traffic Stops and Safety, Narcotics Enforcement, Ethics in Law Enforcement.
2. Officer Harnish – Traffic Stops and Safety, Ethics in Law enforcement, Ambush Awareness.
3. Corporal Ferraro – Leadership 1 and 2 training courses.

Public Comment on Non-Agenda Items

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

Minutes: Board of Supervisors – July 7, 2016

Vice-Chairman Kring asked if there were any additions or corrections to the above minutes. There were none. Mr. Scribner made a motion to approve the July 7, 2016, minutes as presented. Vice-Chairman Kring seconded the motion, with both voting Aye.

Minutes: Planning Commission – July 6, 2016

The July 6, 2016 Planning Commission minutes are not yet available for review.

Treasurer's Report

Mrs. Smedley read the account balances as of July 20, 2016. After reviewing the financial reports, Mr. Scribner made a motion to approve the Treasurer's Report and authorize payment of the bills. Vice-Chairman Kring seconded the motion, with both voting Aye.

Township Manager's Report

1. Hadfield Road Bridge support structure was repaired by the County, and was re-opened to traffic on July 7th. The weight limit remains at 3 tons, which allows only passenger vehicles to cross the bridge. The County is working on plans to replace the bridge, which will take 18 to 24 months to complete due to the federal funding requirement for this project.
2. The Osborne Road Bridge construction project took a big step forward last week with the delivery and installation of the 8 bridge sections. Delivery of the 2 end walls required backing the tractor trailers down Osborne Road from Route 322 to the construction site. We appreciate the patience of our residents who live along Osborne Road for the delays during the deliveries. Installation was completed Thursday, July 14th. Final site work and paving is proposed to be completed by mid-August. Caln Township is planning a small ceremony to re-open the bridge to traffic in August, which will return a much-travelled path into Caln Township to our community.
3. The Chester County Association of Township Officials is asking for each municipality in Chester County to enact a resolution, requesting the State legislature amend the Sterling Act of 1932. This act does not require the City of Philadelphia to remit any portion of the wage taxes they collect from residents who reside in East Brandywine Township. The tax revenue lost is approximately \$119,000 annually to the Township, and \$95,000 to the Downingtown Area School District. The resolutions will be compiled by the Southeastern Association of Township Officials, and forwarded to the legislature and the Governor. Mr. Piersol requested the Board's consideration of this resolution at the August 4th Work Session.
4. Final preparations for the visit of The Wall That Heals were made at a meeting July 18th. The Wall will be set up on our Community Park near the tennis courts, and will be available for viewing from 6:00 PM Wednesday, July 27th through 4:00 PM on Sunday, July 31st. A formal opening ceremony is scheduled for Thursday evening, July 28th at 6:30 PM. The VFW and County Vietnam Veterans Groups have planned special events for Thursday and Friday. This is a very special event for our community, which would not be possible without the assistance from a great many friends who have volunteered their time to help make this a successful event. Anyone who would like more information on the event, including volunteer opportunities, should visit our website www.ebrandywine.org.

Assistant Township Manager's Report

1. It has now been two years since the Board adopted Ordinance 1 of 2014, the revision to our Stormwater Management Ordinance, as required by our Municipal Separate Storm Sewer (MS4) permit. In these two years, staff has worked closely with CEDARVILLE, the Township's Stormwater Engineer, and with individuals making permit applications to translate the complicated new reality of our new stormwater management obligations into a system of standard administrative procedures.

As with any new program, this has been a learning experience for all involved. The most common negative applicant feedback has focused on the length of time to obtain a permit and

associated costs to do so. The two concerns are closely associated--unlike other Township permit processes where Township fees for plan review are flat, the associated costs for the review of post-construction stormwater management features of a plan are paid from an escrow account established by the applicant. Any "revise and resubmit" notices from the Township both delay eventual permit approval and increase the total cost of a permit.

In an effort to increase the likelihood that plan submissions are correct the first time, Township Staff is now piloting a program to make our Township Stormwater Engineer available to residents before they make application for stormwater permits. Brian Kulakowsky from CEDARVILLE will now be available by appointment on Wednesday afternoons to meet with residents and/or their engineers for a one-time hour appointment at no cost to the resident regarding the stormwater requirements of their planned projects.

2. At the July 12th Trails Committee Meeting, special consulting engineer McMahon Transportation Engineers and Planners, presented a Conceptual Design for a trail connecting the Hopewell and HeatherWynd West developments via a parcel known as "Open Space D" in the Hopewell Development. This public meeting marked the beginning of a month-long public comment period. The Trails Committee is now seeking feedback on the Conceptual Design. Excerpts from the document appear in the Board's packets and are available online at eBrandywine.org under the "Township News" section of the homepage.

The next steps in this project are for McMahon to incorporate any comments received, then finalize the plan and prepare legal descriptions of the trail easements. In the case of the Hopewell HOA Open Space D, the Township anticipates obtaining an appraisal for this trail easement, then asking the HOA membership at-large to approve conveying this trail easement to the Township.

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

Mr. Piersol read the Building Inspector/Zoning Officer's Report for June as submitted by Mrs. Norann King. There were 33 building permits issued, 6 zoning permits issued, 20 use and occupancy permits issued, and 89 inspections conducted during the month. The total fees collected were \$33,809.59.

Fire Company's Activity Report for June 2016

The following is a summary of the June 2016 Fire Company Report as presented by the Fire Chief's Aide Kevin Shaffer. There were 13 fire incidents and 15 medical incidents. In West Brandywine Township, there were 5 fire incidents and 14 medical incidents. In Upper Uwchlan Township, there was 1 fire incident. During the month, the Fire Company also provided assistance in the City of Coatesville, Honeybrook Township, Wallace Township, West Caln Township and West Nantmeal Township. There were a total of 4 trainings during the month with an average of 29 members at each training session.

The Learning Experience

The Planning Commission is recommending the Board of Supervisors accept an extension to review this land development application until September 30, 2016. Mr. Scribner made a motion to accept this extension. Vice-Chairman Kring seconded the motion, with both voting Aye.

Pulte Phase 5B – Final Plan Review

Pulte Homes proposes to develop a portion of property included in Phase 5B of the Applecross Development. The proposed development is to be designed in accordance with the Settlement Agreement dated December 3, 2015 between Pulte Homes and the East Brandywine Township Board of Supervisors and per the Township's Zoning Ordinance and Subdivision and Land Development Ordinance in effect on September 17, 2014.

The proposed tract of land to be developed consists of 27.2749 acres and is situated on the east side of Bondsville Road, approximately 1,200 feet south of the intersection of Horseshoe Pike and Bondsville Road. The parcel is located within the R-2 Zoning District in the TND-2 Traditional Neighborhood Development Overlay. Prior to this submission, site access had been constructed leading from Bondsville Road into the property. Additionally, construction of a culvert and retaining walls to carry the proposed access road across a stream traversing the site has been completed.

The development will consist of ninety-one townhouse dwelling units contained within seventeen buildings. The development will be served by public water provided by Aqua Pennsylvania and sewer which will be provided by the East Brandywine Township Municipal Authority via the Applecross Sewer Treatment Plant. The Settlement Agreement provides relief from certain Township Zoning and Subdivision and Land Development requirements.

Alyson Zarro, attorney for the applicant, Bill Creeger, Manager of Land Development from Pulte Group, the project engineer Daniel McKenna attended the meeting to discuss the final plan, the July 2, 2016 Yerkes review letter, the June 30, 2016 Hydraterra review letters on Dedication Area Drawings, the Sewage Facilities Planning Module and the Land Development Plan review, and the June 27, 2016 Heinrich and Klein review letter.

The Planning Commission is recommending the Board of Supervisors grant final plan approval with several conditions.

Ms. Zarro stated that the applicant would comply with the conditions recommended by the Planning Commission but clarified that the unpermitted pipe crossing of the Beaver Creek would be removed if the Township and Municipal Authority determined it is no longer needed, subject to PADEP approval. The Planning Commission's recommendation said that it would be removed if Mr. Boldaz, the Municipal Authority Engineer determined it was no longer needed. Ms. Zarro also said it could not be removed until the new access and culvert were constructed.

Mr. Scribner made a motion to grant final plan approval for this land development application with the following conditions:

1. The applicant will comply with all items in the July 1, 2016 Yerkes review letter.
2. Compliance with all applicable items in the Heinrich and Klein June 27, 2016 review letter, including resolution of Items #7, 17 and 22 to the satisfaction of the East Brandywine Township Planning Commission.
3. Compliance with the June 30, 2016 Hydraterra review letters on Dedication Area Record Drawings, the Sewage Facilities Planning Module and the Land Development Plan review.
4. Resolution of the trail connection and financial security to the satisfaction of the Board of Supervisors.
5. Resolution of the Second Amendment to Sewer Agreement to the satisfaction of the Municipal Authority, Municipal Authority Engineer and Municipal Authority Solicitor. Furthermore, the Planning Commission recommends that this Sewer Agreement must be approved and agreed upon prior to the Board of Supervisors granting conditional final plan approval.
6. Approval of all applicable local, County, State and Federal permits.
7. Adherence to all items in the December 3, 2015 Settlement Agreement.
8. The unpermitted pipe crossing of the Beaver Creek must be removed if the Township and Municipal Authority determine it is no longer needed, subject to PADEP approval. If it can be removed, it will not be removed until the new access and culvert are constructed.
9. A note will be added to the final plan noting there is an easement for possible future access to the McCausland/Plank property, but it is not contemplated that this will be the primary or only access to the McCausland/Plank property if it is developed.
10. Compliance with all other representations made in these and the July 6, 2016 Planning Commission minutes.

Vice-Chairman Kring seconded the motion, with both voting Aye.

**Resolution 12 of 2016 – Resolution for Plan Revision for New Land Development –
Applecross – Phase IV – South Tract**

This Resolution revises the Township's Act 537 Plan to include sewage disposal for the final phase in the Pulte development. Mr. Scribner made a motion to adopt Resolution 12 of 2016. Vice-chairman Kring seconded the motion, with both voting Aye.

NOTICES

The Board of Supervisors will hold a special meeting on Tuesday, August 2, 2016 at 7:00 P.M. to discuss stormwater issues and solutions for Hawthorne Drive in the Culbertson Run Development.

Counsel for Brandywine Village Associates and L&R Partnership have requested the Board of Supervisors hold public hearings on the final submission for the Carlino East Brandywine, LP land development plan. The Board will consider this request and render a decision at their August 17, 2016 Board meeting.

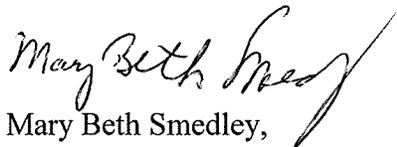
Additional Public Comments

Vice-Chairman Kring asked if there were additional comments from the audience.

Adjournment

There being no further business, Mr. Scribner moved to adjourn the meeting at 8:05 PM. Vice-Chairman Kring seconded the motion, with both voting Aye.

Respectfully submitted,



Mary Beth Smedley,
Secretary/Treasurer