

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
MARCH 21, 2019**

Those in Attendance:

Kyle P. Scribner, Chairman
Jay G. Fischer, Esquire, Vice-Chairman
Jason R. Winters, Supervisor
Scott T. Piersol, Township Manager
Luke Reven, Assistant Township Manager
Mark Kocsi, Chief of Police
Matthew VanLew, Roadmaster
Kristin Camp, Esquire, Township Solicitor
Mary Kemble Slade, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Thursday, March 21, 2019 was called to order by Chairman Scribner at 7:30 P.M. at the East Brandywine Township Municipal Complex.

Opening of Meeting

Chairman Scribner opened the meeting and announced that this evening's meeting is being audio and video recorded. He then led the Salute to the Flag.

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. Ryan Rodrigue, 76 Tucker Drive was present on behalf of several residents of the Estates at Dowlin Forge development, in order to make the Board aware of concerns with the planting of additional trees on the lots in this development, and the fact that they were not aware that this would occur. Mr. Rodrigue noted concerns with the number of trees related to lot sizes as well as the locations, with some being potentially placed in proximity to water and sewer line easements. Other Dowlin Forge residents present who approached the podium and concurred with Mr. Rodrigue were, Kimberly & Roberto Rodriguez, 25 Harner Court, Jessica Macker, 47 Nichols Mill Road, and Anilkumar Chavda, 29 Harner Court.

Solicitor Camp suggested the residents review their agreement of sale and homeowners declaration documents, advising that these may include provisions for the developer reserving the right to return and implement items such as the installation of trees that the approved Land Development Plan requires. She further suggested the Township provide a larger version of the landscape plan to the property owners to allow them to specifically identify issues which can be looked at on a lot by lot basis, and that the builder be asked to temporarily stop installing trees until this item is

worked out. Manager Piersol noted that the builder was contacted today. Solicitor Camp suggested the residents designate one point of contact for Township Staff to work with on this issue.

Minutes: Board of Supervisors – March 7, 2019

Chairman Scribner noted the March 7, 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.

Treasurer's Report

Secretary Treasurer Slade read the account balances as of March 21, 2019 and informed of checks in need of approval for the General, Capital and State Funds. She also requested the Board ratify check number 24261 dated December 3, 2018 in the amount of \$2,000.00, payable to the Downingtown Senior Center for their 2018 donation which was held pending their relocation to a new facility. After reviewing the financial reports, Vice-Chairman Fischer made a motion to approve the Treasurer's Report and authorize disbursements as requested as well as ratify check number 24161. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Township Manager's Report

Manager Piersol noted that on March 14th and 15th, Township staff and volunteers prepared over 1,730 survey mailers for distribution to residents and businesses who use on-lot sewage disposal systems. He stated this survey is being conducted as an initial step in the update of the Township's Act 537 Sewage Facilities Plan. In less than one week, we have received over 370 responses, which exceeds the required 15% response rate required by PA DEP to avoid the need for conducting door-to-door surveys. Manager Piersol thanked all those who have responded to this request so quickly, and encouraged others who have not responded to do so at their earliest convenience, either by returning the paper survey in the postage-paid envelope, or, preferably, by using the online survey tool. Using the online survey tool avoids the need for Township staff to enter the data manually. Manager Piersol noted that Staff member Lisa Taraschi has been very diligent about processing the manual survey returns as quickly as possible.

Manager Piersol stated that he participated in a webinar provided by the Federal Emergency Management Agency on flood plain management, and using their Substantial Damage Reporting Software to process damage reports after a natural or man-made disaster. He noted that one interesting item mentioned was that FEMA is re-evaluating how they determine flood insurance rates and premiums. It is likely that sometime in 2020, those property owners located within Special Flood Hazard Areas will see significant increases in their flood insurance premiums. This re-evaluation is a result of claims made due to several flooding in Texas and West Virginia in the past two years, including claims for properties located outside the Special Flood Hazard Areas. Manager Piersol hopes to know more about where this is headed later in 2019.

Manager Piersol stated that he received an update earlier today on the proposed schedule for construction of the Bollinger Road / Route 322 intersection and traffic signal improvements. It is his understanding that PennDOT will be issuing permits soon to Pulte Homes (Applecross) and Land Development Services (Mapleview). PennDOT is requiring the developers to work cooperatively on this project to minimize traffic interruptions to the greatest extent possible. Once all permits are issued, a preconstruction meeting will be held in April. Throughout May, survey work will be completed to validate the construction plans. Once school ends in June, construction will begin in earnest, with the goal to complete the construction and other associated work before the start of the 2019-2020 school year.

Assistant Township Manager's Report

Assistant Manager Reven reported that Township Staff has closed the Applecross HOA's Right-to-Know request of December 12, 2018. Staff produced 4,087 pages of responsive material and the Applecross digital archive now consists of more than 36,000 pages. The final bills from Scantek, totaling \$9,023.48, have now been paid and the project is complete.

Assistant Manager Reven advised that the Township has received word that our 2017 Act 101 Section 902 DEP Performance Grant Award has been processed and we have been awarded an estimated \$13,951.00. He noted that this award was based on 886.7 tons of residential material and 281.7 tons of commercial material diverted from the landfill during the calendar year 2017. Assistant Manager Reven noted that applications for this annual grant are due in the fall of each year and report the success of our recycling efforts in the preceding year.

Assistant Manager Reven reported that Township Staff has completed our report to the Chester County Solid Waste Authority regarding the success of our recycling program in 2018. Unlike the Commonwealth report, this filing references organic material diverted from the landfill and is due in the first quarter of each new year. For 2018, the Township reported 891.7 tons of residential material, 247.4 tons of commercial material, and 358.5 tons of organic material diverted from the landfill. Assistant Manager Reven thanked the Public Works Department for their outstanding work with their chipping and leaf collection programs.

Assistant Manager Reven reported that Kevin Scalfaro, Member of the Parks and Recreation Committee, has resigned due to a planned move away from the Township. He thanked Mr. Scalfaro for his volunteer services, and acknowledged his many contributions to the committee during his two years. Of particular note, Mr. Scalfaro was the creative force behind last year's hugely successful inaugural Fall Festival in the Community Park. He will be missed.

Assistant Manager Reven made mention of the change in the monthly financial report, particularly the "Bank Account Balances" page. He stated that on this report there is a new subaccount of the 102 General Fund Investment Account, labeled "102.04 Stormwater Maintenance." The balance in Account 102 is more commonly referred to as the Township's "Capital Improvements Fund" and represents dollars that are administratively segregated from the General Fund, but not legally encumbered. Assistant Manager Reven noted the new balance is primarily the result of the one-time payment from Pulte Homes discussed last month for the maintenance of stormwater improvements associated with the planned intersection improvements at Bollinger Road and Horseshoe Pike. Now that this sub-account exists, Township Staff further plans to deposit

revenues received for future inspections of post-construction stormwater management BMPs as required by our Stormwater Ordinance.

Assistant Manager Reven noted that, at the Board's request last month, he made a proposal for digital Board packets. He provided some information to the Board, including the feedback he received on the idea from both the Planning Commission and the Municipal Authority. After some discussion, the Board gave consensus direction to have Assistant Manager Reven proceed to obtain quotes from COSTAR'S for three tablets for the Board of Supervisors only at this time.

Building Inspector/Zoning Officer – Report for February 2019

Manager Piersol read the Building Inspector/Zoning Officer's Report for the month of February, as submitted by Mrs. Norann King. There were 21 building permits issued, 0 zoning permits issued, 8 Use and Occupancy permits issued, and 83 inspections conducted during the month. The total fees collected were \$16,701.50.

Roadmaster's Report

Roadmaster VanLew indicated that he did not have any items to report at this evening's meeting.

East Brandywine Township Police Chief's Report for December 2018

Chief Kocsi reported that the Police Department has purchased an ENRADD (Electronic Non-Radar Device) system to assist in their speed enforcement efforts.

Chief Kocsi read the Police Chief's report for February 2019. He noted the Recorded Incidents total was unavailable due to some computer issues with the County System.

Monthly Statistics

| | |
|--------------------------|-------------|
| Recorded Incidents | Unavailable |
| Investigations Completed | 153 |
| Criminal Arrests | 6 |
| Summary Arrests | 3 |
| Warrant Arrests | 1 |
| Juvenile Petition | 1 |
| Accidents Investigated | 12 |
| Traffic Citations Issued | 187 |
| Warnings Issued | 52 |
| Patrol Miles Logged | 8,763 |

Chief Kocsi provided copies of the monthly investigations completed, Officer Activity Report and other correspondence for the Board's review.

Fire Company's Activity Report for January

The following is a summary of the February 2019 Fire Company Report as presented by Deputy Chief Joe Edwards.

There were 18 fire incidents and 26 medical incidents in total for the month. In East Brandywine Township, there were 5 fire incidents and 4 EMS incidents. In West Brandywine Township, there were 7 fire incidents and 27 EMS incidents. In Upper Uwchlan Township, there were 0 fire incidents and 0 EMS incidents. During the month, the Fire Company also provided assistance in Honey Brook Township, Uwchlan Township, and Wallace Township. There were 4 training sessions, with an average of 22 personnel at each session. They averaged 13 volunteers for each emergency incident.

Deputy Chief Edwards reported that \$50,000 in rescue tools received via a grant have been placed on the rescue engine. He noted that the Department has started to review plans for handling calls to the new daycare on Hopewell Road. He also reported that the improvements to the Gear Room have been completed.

Deputy Chief Edwards expressed his concern about EMS's ability to respond to calls on Locks Farm Lane due to ongoing construction. During a recent call, he noted that the Ladder truck could not access the location where it was needed. Deputy Chief Edwards further noted that the dumpsters, parked vehicles, and construction equipment make it difficult, if not impossible, for any emergency vehicle to access the area. Chairman Scribner suggested that Code Enforcement could assist with this. It was also noted that Deputy Chief Edwards has the authority to address this issue directly with the Builder.

In closing, Deputy Chief Edwards welcomed the Board members to visit the Fire Company to see the new fire apparatus.

Old Business

None this evening.

New Business

PennDOT Offer to Purchase Right-of-Way

Manager Piersol advised that PennDOT has offered \$500.00 for the purchase of additional right of way and a temporary construction easement related to the Creek Road Bridge Replacement Project. He asked the Board to authorize acceptance of the offer. Solicitor Camp noted that she took no exception to the offer as presented. Vice-Chairman Fischer made a motion to accept the offer to purchase from PennDot the described parcel for the total of \$500.00 including the temporary easement. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Bondsville Mill Deed of Confirmation

Solicitor Camp presented the Board with a Deed of Confirmation for the Bondsville Mill property. She referenced the County and State grant applications being submitted by the Bondsville Mill Committee, noting that conditions of the grant require a deed to the property. She explained that one parcel was obtained through condemnation in 2004, which served as the document that transferred the title to the Township. The Deed of Confirmation simply assists in making the chain of title more clear in terms of what land the Township owns. She asked the Board to authorize the Chairman to sign the document for recording. Vice-Chairman Fischer made a motion authorizing the Chairman to execute the Deed of Confirmation for the condemned portion of the Bondsville Mill Park, and that the deed is recorded. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Subdivision and Zoning Applications

Solicitor Camp advised that NVR Homes is willing to wait for the Township Engineer's review of their latest submission, and therefore will be continuing the Conditional Use hearing scheduled for Monday, March 25. After some discussion on potential hearing dates, Solicitor Camp indicated that she will circulate some suggested dates to the Board over the next few days.

Solicitor Camp also noted the East Brandywine Baptist Church Conditional Use application, and will circulate some suggested dates to the Board for this hearing as well.

Ordinances & Resolutions for Consideration

None this evening.

Public Comment on Agenda Items

Chairman Scribner asked for public comments on agenda items.

Planning Commission Member Michael Wagoner questioned Deputy Chief Edwards regarding recent medical calls, and if they were related to opium issues. Deputy Chief Edwards responded that those in the past month have not been. Mr. Wagoner inquired if Chief Kocsi needed any additional resources, and Chief Kocsi responded he does not at this time.

Mr. David Perme, 458 Dilworth Road, asked about the process for his Agricultural Security Area (ASA) application. Solicitor Camp indicated her colleague, Kim Venzie, would contact him tomorrow.

Notices

Chairman Scribner stated that an Executive Session of the Board of Supervisors was held following their work session meeting on March 7, 2019 in order to discuss legal matters.

Adjournment

Vice-Chairman Fischer made a motion to adjourn the public meeting at 8:38 P.M. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Respectfully submitted,



Mary Kemble Slade,
Secretary/Treasurer