

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
June 20, 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
Thomas Oeste, Esquire, Township Solicitor
Mary Kemble Slade, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Thursday, June 20, 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. There were none.

Chairman Scribner turned the meeting over to Solicitor Oeste for the purpose of a public hearing.

Public Hearing:

Public Hearing to consider an Ordinance amending Chapter 399 of the East Brandywine Township Code, entitled "Zoning", at Section 300-17 to add a new definition for Small Wireless facilities, and at Section 399-101 to provide for additional provisions regarding approval time frames, permit fees, and related regulations.

Solicitor Oeste announced the public hearing and provided a summary of the ordinance amendment. He reviewed the five Board exhibits, including:

- B-1: Review letter dated April 24, 2019, from the Chester County Planning Commission

- B-2: Minutes of the May 1, 2019 East Brandywine Township Planning Commission meeting
- B-3: Proof of Publication in the Daily Local News on May 30, 19 & June 6, 2019
- B-4: Email dated May 24, 2019 from Mattie Merlino, Legal Assistant, to the Chester County Law Library providing the proposed amendment for public inspection
- B-5: Email dated May 24, 2019, from Mattie Merlino, Legal Assistant, to the Daily Local News providing the proposed amendment for public inspection

Chairman Scribner asked if there were any questions or comments on the proposed ordinance. There were none. Vice-Chairman Fischer made a motion to adopt Ordinance 04 of 2019 as presented. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

The Public Hearing was closed.

Minutes: Board of Supervisors – June 6, 2019

Chairman Scribner noted the June 6, 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 June 20, 2019 and informed of checks in need of approval for the General, Public Works Capital, Police Capital, State, Referendum Open Space, and the Open Space Funds. After reviewing the financial reports, Vice-Chairman Fischer made a motion to approve the Treasurer's Report and authorize disbursements as requested. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Township Manager's Report

Manager Piersol advised that the Chester County Planning Commission recently announced their intention to form a Complete Count Committee as part of the 2020 Census, which will commence on April 1, 2020. The mission of this Committee is to ensure that every resident is counted, since federally-funded programs are based on Census data. Each missed resident is a potential funding loss of over \$2,900 to state and local programs. The focus of this outreach effort is to conduct outreach in neighborhoods or communities that have a low response rate in the 2010 Census. The Census Bureau will provide training and technical assistance to the Chester County Committee through their Philadelphia Office. Interested residents should contact Jake Michael at the County Planning Commission at jmichael@chesco.org. Manager Piersol stated the 2020 Census will be much easier to complete, as responses can be completed online and by phone, in addition to completing and returning the paper form.

Manager Piersol noted that he attended a luncheon on June 19th sponsored by the Transportation Management Association of Chester County. The keynote speaker was Jana Lynott, a planner

from the American Association of Retired Persons, better known as AARP. Ms. Lynott is a member of AARP's Public Policy Institute, and works as a community planner. AARP has a Livability Index for every community in the U.S. for services and amenities which affects lives the most. There were some interesting points provided about "road diets" and development designs for an aging population. Two interesting points were that more than half of AARP's membership includes people who have not yet retired, and, by the year 2035, the population of those persons 65 and older will far outnumber those less than 19 years old. The Township's Ordinance Task Force may look at some of this information for our future planning purposes.

Manager Piersol reported that the Route 322 Corridor Task Force met here on May 21st to review information from Brian Styche from the Chester County Planning Commission on proposed roadway improvements in our area. State Representative Tim Hennessey, Chair of the Legislator's Transportation Committee, also attended. Mr. VanLew and Manager Piersol have been attending these meetings since they began in February of this year. The Task Force will be meeting with representatives from PennDOT, along with Tim Phelps from TMACC at the group's June 25th meeting. The goal is to gain support from all of the stakeholders along the Route 322 Corridor, and make a presentation to the County Commissioners to enlist their support to move the roadway improvements recommended in the Delaware Valley Regional Planning Commission's February, 2010 Study of the Route 322 Corridor forward, in anticipation of the Route 30 Bypass improvements, scheduled to begin in 2025.

Manager Piersol reported that a pre-construction and coordination meeting for the Bollinger Road / Horseshoe Pike intersection improvements was held in the Township office earlier today. Utility work is scheduled to begin along Bollinger Road the week of July 1st. Verizon needs to prepare for utility pole relocation along Horseshoe Pike for the paving work to move ahead once the utility construction work is completed, which should commence late in July or early August. There will be lane restrictions during the construction. PennDOT is requiring the paving work to be completed prior to the start of the 2019-2020 school year. The installation of the traffic signal equipment is dependent on the delivery of the signal poles and mast arms, which is expected to occur in late August or early September. Associated with this project, Manager Piersol discussed the Contractor's request for permission to conduct night work for boring of the water and sewer mains under Horseshoe Pike, when traffic is greatly reduced. Schlouch, Inc. submitted a letter requesting approval by the Board of Supervisors this afternoon for this night work, and Manager Piersol requested the Board's consideration of this request to waive the requirement of our Noise standards, §399-84 H. This section of the Code allows the Board to grant temporary permits for periods of not more than 14 days which do not comply with the terms of this section of the Code. Chairman Scribner indicated there was a similar request granted to MDG for their work and recommended that the immediately surrounding residents be given advance written notice of the work to be performed.

Vice-Chairman Fischer made a motion to grant Schlouch, Inc. permission to perform night work from the hours of 8:00 P.M. to 6:00 A.M. between July 22, 2019 and August 2, 2019 for the purpose of directional boring, with a minimum 48-hour notice to the Township and adjacent neighbors. Chairman Scribner seconded the motion, adding that the work should be completed within one night, and adjacent residents provided written notice. All members voted Aye. Motion passed 3-0. Chairman Scribner also requested that Schlouch, Inc. notify the fire and police departments prior to the work beginning.

Assistant Township Manager's Report

Assistant Manager Reven reported on a host of Township events planned before the Board's next Regular Session Meeting. He reminded the audience that the Township's full event schedule can be found at www.eBrandywine.org/calendar or by visiting the Parks and Recreation Committee's website to see all twelve planned events for 2019. Assistant Manager Reven outlined the following events:

- 1. "Fore" the Parks Golf Outing.** This annual event benefitting our parks will be on June 24, but there is still time to put together a team. Brochures are available both online and at the back of the room.
- 2. Summer Concert Series: Flatland Drive.** Bring the entire family for an evening of free musical entertainment featuring this bluegrass band from Maryland and Delaware.
- 3. Family Movie in the Park: The Grinch.** It will be Christmas in July at the Community Park when we screen this movie featuring the Grinch's attempts to undermine the annual Christmas celebration at Whoville with the help of his loyal dog and reindeer.

Building Inspector/Zoning Officer – Reports for April and May 2019

Manager Piersol read the Building Inspector/Zoning Officer's Report for the month of April, as submitted by Mrs. Norann King. There were 44 building permits issued, 3 zoning permit issued, 13 Use and Occupancy permits issued, and 203 inspections conducted during the month. The total fees collected were \$26,754.00.

Manager Piersol read the Building Inspector/Zoning Officer's Report for the month of May, as submitted by Mrs. Norann King. There were 26 building permits issued, 4 zoning permit issued, 23 Use and Occupancy permits issued, and 207 inspections conducted during the month. The total fees collected were \$13,125.00.

Roadmaster's Report

Roadmaster VanLew stated that he has reviewed the bid documents for the stormwater improvements for Hawthorne Drive in the Culbertson Run Development. The project includes the installation of three subsurface basins within Hawthorne Drive, removal of stumps, and re-grading of the swales. There is also the installation of new inlets and stormwater piping in various locations. Roadmaster VanLew expects the final bid documents to be available soon, with them being posted on PennBid and advertised in the Daily Local News.

Roadmaster VanLew noted that the Township's 2019 road project bid documents are complete and will be posted on PennBid and advertised in the Daily Local News. This year's projects include the repairs and overlay of Hopewell Road from Rock Raymond Road to Creek Road, East Fisherville Road, and Zynn Road from East Reeceville Road to Hadfield Road. Roadmaster VanLew anticipates the total project cost around \$590,000.00.

Roadmaster VanLew reported that the culvert on Zynn Road between East Reeceville Road and Hockley Drive was completed last month. Veterans Construction and Utility Services, Inc. was the contractor, and the total project cost was \$95,048.45. Roadmaster VanLew thanked Jim Durborow and the crew for a job well done.

Roadmaster VanLew advised that he was contacted by two property owners in the Echo Dell development inquiring about the dying trees along the roads which were planted as part of the development. Echo Dell development has a 50 foot right-of-way. Last week field measurements were completed and it was determined that the trees were planted on the property line. He noted that in a previous email, the Board was provided with an estimated cost of \$10,940.00 for labor and rental equipment to remove approximately 54 trees, with a time estimate of 6 days. Roadmaster VanLew asked for direction from the Board on how to proceed. Chairman Scribner asked how many of the trees are a problem, and Roadmaster VanLew indicated approximately 30% of the trees are dead and the remaining 70% are dying. Chairman Scribner felt that removal of the trees is not entirely the Township's responsibility, and noted he would be willing to offer assistance to each of the affected homeowners. Vice-Chairman Fischer asked if the right-of-way is Township owned, and Roadmaster VanLew confirmed that it is. Supervisor Winters stated his opinion that the Township should not be involved in removal of the trees if any part is on private property, and that the property owners should be responsible for removing the trees. He did support the idea of providing some assistance by supplying replacement trees to the homeowners to replant on their property. Vice-Chairman Fischer requested Solicitor Oeste's opinion, given the location of the trees. Roadmaster VanLew confirmed that the tree trunks straddle the property lines. With the trees being right on the right-of-way line, Solicitor Oeste stated his opinion that this would be a shared cost. Chairman Scribner suggested the property owners be contacted to apprise them of the situation and to share the responsibility, starting with those that are the biggest concern. Vice-Chairman Fischer noted that due to the rental equipment involved, it would be more efficient and economical if all of the trees were handled as one project. He suggested that all property owners be notified and presented with the cost-sharing option. Chairman Scribner agreed with this approach. Vice-Chairman Fischer suggested Roadmaster VanLew prepare a cost analysis for each lot and notify the property owners. Chairman Scribner and Supervisor Winters were in agreement with this method to start the process.

East Brandywine Township Police Chief's Report for May 2019

Chief Kocsi noted that the Department was on hand for the last day of school and as a continued tradition handed out a last day gift to each student. This year's gift was a pair of sunglasses, which the students were very pleased with. Chief Kocsi added that Principal Dr. Leib announced her retirement earlier last month, and he wanted to publicly let her know how much she will be missed and to thank her for all of the years she has embraced the Police Officers and for supporting the program the Department put into place at the school. Chief Kocsi wished Dr. Leib the best in retirement. Chief Kocsi advised that a meet and greet with the new principal, Dr. Shawn Wright, will be held later this month.

Chief Kocsi noted that the Department became accredited in 2016 for a three year period and are coming to the end of said period. He noted that last Wednesday, the Department underwent its

“mock” accreditation inspection by the PA Law Enforcement Accreditation Commission assessors and was glad to report that there were only a few corrections and/or recommendations needed. The date for the final Re-Accreditation assessment will occur the first week of September.

Chief Kocsi read the Police Chief’s report for May 2019.

Monthly Statistics

Recorded Incidents	2566
Investigations Completed	231
Criminal Arrests	4
Summary Arrests	1
Warrant Arrests	1
Juvenile Petitions	0
Accidents Investigated	6
Traffic Citations Issued	200
Warnings Issued	864
Patrol Miles Logged	10,714

Lastly, Chief Kocsi wanted to recognize Deputy Fire Chief Edwards and Lieutenant Yankanich for their efforts in the training program they have implemented between the two Departments. He thanked Deputy Chief Edwards for his involvement and efforts, and looks forward to the ongoing cooperation between Departments.

Fire Company’s Activity Report for April

The following is a summary of the May 2019 Fire Company Report as presented by Deputy Chief Joe Edwards. There were 32 fire incidents and 59 medical incidents in total for the month. In East Brandywine Township, there were 8 fire incidents and 25 EMS incidents. In West Brandywine Township, there were 9 fire incidents and 31 EMS incidents. In Upper Uwchlan Township, there was 1 fire incident and 2 EMS incidents. During the month, the Fire Company also provided assistance in Caln Township, Downingtown Borough, Honey Brook Borough, Honey Brook Township, South Coatesville Borough, Uwchlan Township, and Wallace Township. There were 4 training sessions, with an average of 24 personnel at each session. They averaged 13 volunteers for each emergency incident.

Deputy Chief Joe Edwards elaborated on the joint training with the Police Department and thanked Chief Kocsi for his involvement. He also noted that three members have graduated Fire Fighter 1 training and the rescue truck is out of service with spring issues. Deputy Chief Edwards also reported that there has been an influx of volunteers, that the Department’s gear is outdated and they need approximately \$5,000 per member for new gear. He estimated there are approximately 10 sets of gear needed at this time.

Deputy Chief Edwards complimented Principal Dr. Leib’s contributions to the fire prevention program at Brandywine Wallace Elementary, and wished her well in retirement.

Old Business

None this evening.

New Business

Estates at Dowlin Forge Fire Hydrants

Manager Piersol stated that he received a letter from Metropolitan Development Group dated May 28, 2019 requesting the Township accept responsibility for the fire hydrants within the Estates at Dowlin Forge community. He noted that the Township typically accepts this responsibility after the fire hydrant is put into service and was unsure why the responsibility for these hydrants was not transferred to the Township previously. Manager Piersol asked the Board to consider this request. Vice-Chairman Fischer made a motion to accept responsibility for the fire hydrants in the Estates Dowlin Forge community. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Hess Property – 580 Buck Road / Conservation Easement

Mr. Alan Yefko, Chairman of the Open Space Committee, attended to present the Conservation Easement request for the Hess Property at 580 Buck Road, Parcel 30-6-17. It was noted that the total area of the property is 18.6 acres, 16.6 acres of which are being proposed for a Conservation Easement with restrictive covenants. This property is adjacent to the Brandywine Conservancy Open Space. Chairman Yefko provided a Power Point presentation and ultimately requested the Board consider payment of \$267,500 from the Open Space Fund to secure the Conservation Easement. He stated that this amount is approximately 10% of the current Open Space Fund balance. He also noted that there is potential for a \$33,200 grant that could in due course lessen the expenditure to \$244,300. Chairman Scribner expressed his agreement and noted that this is the purpose of the Open Space Fund. Supervisor Winters concurred. Vice-Chairman Fischer made a motion to purchase the Conservation Easement for the Hess Property at 580 Buck Road in the amount of \$267,500.00. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Permission to Advertise: Community Park Comfort Station Site Contract

Assistant Manager Reven requested permission to advertise the forthcoming bid package for the Community Park Comfort Station project. Supervisor Winters inquired if the existing restroom facility is connected to a tank and well. Assistant Manager Reven confirmed it is currently a community on-lot system. Brief discussion followed on the potential of a public sewer connection, with it being noted that there is public sewer in the vicinity of the project. Vice-Chairman Fischer made a motion to authorize advertising of the bid package for the Community Park Comfort Station Site Contract. Chairman Scribner seconded the motion, with all voting Aye. Motion passed 3-0.

Trails Committee Potential Member

Assistant Manager Reven reported that Leslie Herr, 201 Sills Lane, submitted an application and is requesting an appointment to the Trails Committee. Assistant Manager Reven indicated that Ms. Herr has attended some recent meetings and the Committee is in favor of the appointment. Vice-Chairman Fischer made a motion to appoint Leslie Herr to the Trails Committee. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Business Development Group

Chairman Scribner wished to follow up on public comment offered at recent meetings by Mr. Dennis Whitely, which suggested the need to provide a more welcoming environment in promoting business opportunities in the community. He noted his desire to reach out to local business owners to see if there is interest in starting a business development group, in order to exchange ideas and offer suggestions which may revitalize and support success in our business community. Assistant Manager Reven asked the Board if they thought this potential group should be a standing committee, or rather a committee which meets infrequently and provides input, and what are they tasked with doing. He noted for consideration that there are a number of other committees which could have overlapping responsibilities. The Planning Commission assists with providing oversight in land development, and the Parks & Recreation Board plays an important role in hosting Township events, as does the Historical Commission and Bondsville Mill Committee. He noted the area of economic development and marketing being potentially lacking. Chairman Scribner indicated he thought these questions would be better answered after the initial meeting, once interest has been determined. Vice-Chairman Fischer stated that he was in favor of setting up the group, and felt the best approach would be to place an article in the next Mile Marker to see what type of response is received. Chairman Scribner and Supervisor Winters concurred. Assistant Manager Reven noted that the deadline for submission of articles is mid-July. Chairman Scribner remarked that, if possible, he would like to see the initial meeting take place sometime this fall.

Subdivision and Zoning Applications

None this evening.

Ordinances & Resolutions for Consideration

This was addressed under the Township Solicitor earlier in the meeting.

Public Comment on Agenda Items

Chairman Scribner asked for public comments on agenda items.

Mr. Michael Wagoner, 241 Jefferis Road, questioned the census process. Assistant Manager Reven summarized the four census programs. Mr. Wagoner inquired if the Township has the ability to “un-dedicate” dedicated roads. Solicitor Oeste noted that it could potentially be done,

but would be extremely difficult. Mr. Wagoner inquired as to the amount of funds needed to replace the Fire Department gear. Deputy Fire Chief Edwards approximated \$50,000. Mr. Wagoner inquired as to the number of citations written for non-residents. Chief Kocsi advised he would research the matter and provide a response shortly.

Notices

None this evening.

Adjournment

Vice-Chairman Fischer made a motion to adjourn the public meeting at 8:40 P.M. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Respectfully submitted,



Mary Kemble Slade,
Secretary/Treasurer