

# The Milemarker

EAST BRANDYWINE TOWNSHIP

## IN THIS ISSUE

Kids Festival Enchants  
page 3

A Major Step in Development  
of Bondsville Park  
page 4

On the Move  
page 6

Police Department Highlights  
page 7

## Supervisors Set ATV Rules *Trying to Bridge a Big, Big Gap*

The Board of Supervisors has finally come up with guidelines for the operation of all-terrain vehicles (ATVs) in the Township—and the reaction of ATV supporters and opponents to their compromise ranges from resignation to disappointment to anger.

“We looked at this issue many times,” explained Vice Chairman David Kirkner, “and tried to take a middle ground, to respect both sides and to put some reasonableness in it. You can’t please everyone.”

How true. In a year-long process that involved a number

of discussions at public meetings and a half-dozen meetings of a committee made up of those who favor ATVs and those who don’t, the two sides never came close to agreement. Think Al Gore and Rush Limbaugh finding common ground on global warming.

*continued on page 2*

## CROPPERS SKIPS EXPANSION

After years of trying to expand Croppers Market, parent company AWI of Robeson, PA, told the Township in late May that it is giving up its efforts, though it said it may reintroduce its plans at some future date.

The market wanted to expand to the west but could not reach agreement with the Watters family, owner of the portion of land it needed. The company made a number of appearances before the Planning Commission in support of its plan.

## Third Annual Kids Festival



The old and the new came together at the third annual Kids Festival in the Community Park, sponsored by the Fire Company with new participation by the Police department. The antique fire truck in the foreground is from the Icedale Fire Company with East Brandywine’s modern equipment in the background. See story and pictures, page 3.



## Who, When and Where

### Township Board of Supervisors

#### CHAIRMAN

Hudson L. Voltz, Esq.

#### VICE CHAIRMAN

David A. Kirkner, CPA

#### MEMBER

Jay G. Fischer, Esq.

### Township Public Meetings

#### BOARD OF SUPERVISORS

First Thursday at 7:30 a.m.

Third Wednesday at 7:30 p.m.

#### PLANNING COMMISSION

First Wednesday at 7:30 p.m.

#### MUNICIPAL AUTHORITY

Second Tuesday at 7:30 a.m.

### Public Committee Meetings

#### HISTORICAL COMMISSION

Second Wednesday at 7:30 p.m.

#### OPEN SPACE COMMITTEE

Second Monday at 7:30 p.m.

#### ORDINANCE TASK FORCE

Fourth Wednesday at 7:30 p.m.

#### PARK AND RECREATION COMMITTEE

First Monday at 7:30 p.m.

*Township Meetings held at the Township Building, 1214 Horseshoe Pike*

### Important Numbers

Fire and Ambulance ..... 911

Police (emergency) ..... 911

Police (non-emergency)..... 383-7000

Police Administration ..... 269-4300

Township Administration .. 269-8230

*Township Offices open M to F 9 a.m. to noon and 1 to 5 p.m.*

### Telephone Staff Directory

Tax Collector, Patti Piersol

Home Office (610) 269-4054

Weekdays 9 a.m. to 5 p.m.

For all other staff members, call 269-8230 and press the extension.

200 Norann King, Building Dept.

201 Mary Beth Smedley, Secretary/Treasurer

203 Scott Piersol, Twp. Manager/ EMC and Fire Marshal

204 Matthew Van Lew, Roadmaster

100 Police Administration

### Web Addresses

TOWNSHIP [www.ebrandywine.org](http://www.ebrandywine.org)

POLICE [www.ebtpd.org](http://www.ebtpd.org)

# New ATV Rules

*continued from page 1*

The prime issue is noise. Other issues include when and where ATVs may be operated and what's their environmental impact. To deal with the issues, the Supervisors took a two-prong approach. In one, they rewrote the existing Township noise ordinance to specify new levels measured at a neighboring property line. In the other, they drew up a new ordinance regulating when and where ATV users can ride their vehicles and spelling out penalties for violation of the new regulations.

To establish reasonable noise levels, the Township studied ordinances in force in a number of other Pennsylvania municipalities and determined the maximum level at a property line should be 70 decibels—a level that users say is too low and critics say is too high. A common complaint from the pro-ATV camp: chain saws and mowers make as much or more noise. Why not regulate them to the same standards? Quick answer: they're used to get a job done, not for enjoyment and, at least for chain saws, the noise rarely lasts long.

The 70-decibel level also causes an immediate problem because the ATV ordinance allows a user to ride an ATV within 25 feet of a property line yet Township research shows that almost all ATVs' noise levels would exceed 70 decibels at 25 feet distance. The Supervisors' answer: take the ATV far enough from the property line to bring the noise level into conformity with the rule. That, the research shows, could be well over 100 feet.

Hours of operation also are contentious. The Supervisors finally set these limits: no operation before 9 a.m. or after sunset, Monday through Saturday. Opera-

tion between noon and 4 p.m. on Sunday and no operation on Easter Sunday, Memorial Day, July 4, Labor Day or Thanksgiving Day. And not more than a cumulative three hours in any eight-hour period on a given day. There also are limits on how many machines can be in operation at one time.

In spite of setting detailed times for operation, the ordinance notes that it is a violation "to operate any all-terrain vehicle in a manner, at such locations, or at such times of day so as to cause unreasonable annoyance or disturbance of the peace of the public."

There also are rules to protect environmentally sensitive areas. It's illegal to ride an ATV on steep slopes, in wetlands, in any stream or watercourse and within land identified by the Township as part of a Riparian Corridor Conservation District. In line with the you-break-it, you-fix-it philosophy, any ATV rider who causes environmental damage is responsible for correcting the damage.

As the rules governing ATV use were debated, tempers often flared. Critics, particularly along Reeds Road, said unrelenting noise from ATVs in their area "drove them crazy" while parents of ATV users railed against government interference with their right to do what they want on their own property. Critics complained about ATV users ripping up sensitive land. Pro-ATV advocates told them, basically, it's none of your business. One parent asked, "Is it reasonable to expect kids not to damage the environment?" adding that his children like to ride on steep slopes and in streams. Another parent—who said riding ATVs was good healthy fun and kept kids out of possible trouble—said she knew

## MILEMARKER ELECTRONIC DELIVERY

*The Milemarker is available on our website. We are considering electronic delivery to readers who would like to "go green." Watch for further developments in our Fall newsletter.*

nothing of problems. "No one ever knocked on my door with a question," she told the Supervisors. Yet another resident—who called this a "crisis" situation—said that when he called one parent to complain, he was told "tough."

The ATV ordinance also spells out penalties. Any violator faces a fine of no less than \$100 and no more than \$1,000 and if a guilty person fails to pay up he or she could be sent to Chester County Prison for up to 30 days. Moreover, if a person is operating an ATV on a public street or on private property without the owner's permission, the police may impound the vehicle. To get it back, the owner has to pay all costs of towing and storage.

The big question from ATV operators: how will police determine if a rider is violating Township rules? Well, East Brandywine police will have a decibel meter and will be trained in its use. They can see if someone is operating in a banned area and they can check if a rider has permission to go on someone else's land. "We'll treat it like any other issue," says Chief Mark Kocsi. "We'll look at the situation and we'll issue a warning. If we have to, we'll take further action."

For copies of the ordinances, call the Township.

# Kids Festival Enchants

## *Brings Cash and Publicity*

The East Brandywine Fire Company, linked this year for the first time with the East Brandywine Police Department, hosted a hugely successful Kids' Festival in Community Park June 6. Some 800 children signed up for the celebrations and were accompanied by enough parents and friends to bring total attendance to about 2,000. The weather smiled on the occasion with plenty of sunshine and a cooling breeze.

The Fire Company estimated that the event brought in about \$12,400, making it a major fund-raiser for the company. This was also an important education event, making residents aware of the firefighters' scope and expertise and giving children a first-hand look at a range of fire-fighting and emergency equipment and an opportunity to learn about good fire prevention and safety tips even as they had a good time. Rides on the big fire rigs drew long lines of excited youngsters.

To make sure visitors had a good time, the Fire Company featured sixteen large inflatable amusements giving kids a chance to climb a wall, joust, ride a bucking bull, try their hand at big wheel racing or enjoy a number of slides of one kind or another.

Buggy rides and a chance to get up close with a medical evacuation helicopter added to the fun.

This was the third annual Kids Festival.



The Fire Company's third annual Kids Festival drew close to 2,000 visitors to Community Park in early June and, in addition to giving residents a close-up viewing of what the Fire Company offers them, the day drew in more than \$12,000 in badly needed funds for the all-volunteer organization. The kids had a ball all day long in near-perfect weather—wall-climbing, jousting, sliding, checking out the Medivac helicopter, riding the new and hugely-popular mechanical bull, or just sitting around and soaking up the music, the good times and hot and cold food.

# A Major Step in Development of Bondsville Mill Park

The Bondsville Mill Park project took a big step forward this spring when H & K Environmental Service demolished a large section of the old mill building. The action removed an eyesore viewed by travelers on Bondsville Road (and daily by local residents) and opened up a huge area larger than a football field. Left standing is a footprint of the demolished structures and a multi-story section of the original mill.

The Board of Supervisors immediately followed up by awarding a contract valued at close to \$60,000 to Rettew Associates, a Lancaster company, to create a master plan for the site. The plan will draw an outline for a passive recreation area that includes trails for walking and biking, an assessment of the park's cultural and historic resources, educational possibilities and a bird sanctuary. The company, in its proposal to the Supervisors, suggested that there might be a small playground for children, access to fishing in Beaver Creek and construction of a pavilion that could be used for small group meetings, summer concerts or special events.

Rettew also will work with the Township to help raise funds to carry through the plans.

At the Supervisors' June work session, a key volunteer from the Mill at Anselma in West Pikeland, Maurie Kring, stressed the need to draw on as many potential financial sources as possible. "Funding is critical," he said and urged the Supervisors to move quickly to acquire an Internal Revenue Service standing (technically a 501 (c) (3) charitable trust) which will allow the Township to seek funds from foundations. He related how

Anselma has raised more than \$1.5 million from more than a score of different sources over the past decade for restoration and development.

Mr. Kring also counseled patience. The first step to preserve and enhance the historic mill was made by the French and Pickering Creeks Conservation Trust in 1982. The Mill at Anselma Preservation and Educational Trust took over in 1999.

Get people involved, Mr. Kring said. Reach out to local politicians, invite someone from Chester County Parks and Recreation to join the Bondsville Mill committee, draw in willing volunteers and arrange visits by people who control available purse strings.

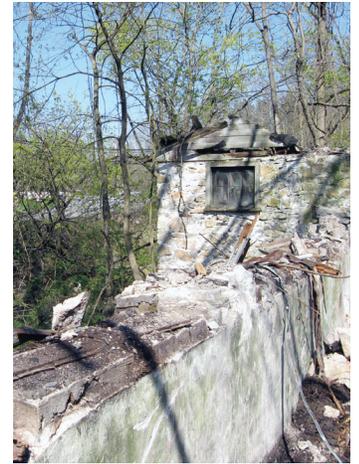
Stress the mill's history. Rettew is proposing to gather historical information (at least in part by recording interviews with area people who actually worked at the mill) that could be put into a brochure. Mr. Kring said the Township should, in time, arrange visits for school groups. To make such visits as useful as possible, he said it's very important to have good signage that tells the mill's story.

The Mill at Anselma has a compelling story and, thanks to restoration work, it still is a functioning mill. The Bondsville Mill can't hope to match that performance; its milling days are long gone. But, said Mr. Kring, the Mill Committee should at least think of Anselma's present set-up that includes a gift shop, paid-up membership of 300 to 400 and educational programs that produce added funds.

"You've got to think ahead," said Mr. Kring. "What's the place

going to look like in five years, in ten years? You've got to know where you're going."

Plans are being made for Rettew and the Mill Committee to host a meeting in the fall where the public will be invited to share ideas of what amenities could be provided at the Mill site.



**Top:** A three-foot high wall is all that remains of the demolished buildings, maintaining a footprint of the original structure. Beaver Creek runs immediately below the wall and it's possible to see Bondsville Road through the trees.

**Middle:** The demolition of two major structures cleaned out an area big enough to accommodate a football field and a hockey rink. The study now being done by Rettew Associates will make suggestions on how to use the space.

**Bottom:** A major section of the old mill is still standing though, in time, most probably most will be taken down. With the demolition of the two buildings facing Bondsville Road, here's a new view for passing motorists.

# Park & Rec Offers New Plan to Honor People and Milestones

## *Memorial Bricks to Replace Flagstone Walk*

The Park and Recreation Board has come up with a new idea to raise money and do good at the same time. David Summers and Sandra Lammey presented their idea at the April 15 Board of Supervisors meeting. The plan is to offer “memorial bricks” to anyone who wants to memorialize a loved one, honor a special person or preserve a special milestone in a long-lasting way. These bricks would replace the existing flagstone walk

in the Community Park’s Memorial Garden. The price of a brick is \$50 each or two for \$80. The brick has space for a message of 42 characters (including space between words) or 28 characters with an image added. Park & Rec is offering 32 different images ranging from basketballs and birds to stars and volleyballs, with such variations as footprints, hearts and horses. The plan offers a couple of advantages along with raising cash. Memorial plaques scat-

tered around the park today create maintenance problems and some have disappeared or been destroyed. Where possible, the Board would like to replace them with memorial bricks. Secondly, there is no limit to the number of memorial bricks that can be installed. On the cash side, Mr. Summers told the Supervisors the cost to buy and engrave the bricks is modest. He estimates that, after expenses, this program could produce about \$7,000 for park projects.



Here’s the wide selection of symbols a donor may add to the brick.

### MILL PROJECT TROLLING WIDE FOR VOLUNTEERS

East Brandywine is able to field a remarkably able army of volunteers to fulfill needed Township activities but Rettew Associates wants to go beyond trolling the local talent. It told the Township that it would like to work with the Bondsville Mill Park committee in casting a wide net. It suggests reaching out to, among others, the National Youth Service Affiliates Program, AARP’s Volunteer Talent Bank and local schools and colleges. It proposes recruiting through sign-up sheets at local Township meetings and events and perhaps going so far as sending out press

releases, advertising on web sites and newspapers and running public service announcements on radio or cable TV. The goal would be to attract such specialists as landscape architects, planners, park and recreation professionals, historians and educators. Rettew recommends orientation for all volunteers and appointing one member of the mill committee to oversee all volunteer activities.

### SCORE ONE FOR CONSUMERS

Rip-offs by contractors are one of the most common complaints that consumers make to the state Bureau of Consumer Protection Office and the Better Business

Bureau. As of July 1 this year, consumers are getting a bit more muscle in handling a dispute on work done, or not done.

That’s the day the Pennsylvania Home Improvement Consumer Protection Act went into force. Under the law, any contractor who does more than \$5,000 worth of residential home improvement work in a year’s period must register with the state Attorney General’s office. And any time a job’s cost exceeds \$500 there must be a written contract between the contractor and the consumer. The law applies only to residential work. For more information, check the AG’s site at [www.attorneygeneral.gov](http://www.attorneygeneral.gov).

### BEATRICE WATTERS

Beatrice S. Watters, a long-time resident of East Brandywine who served 11 years on the Township Planning Commission and was a member of the Fire Company’s Women’s Auxiliary, died in April at the age of 92.

Mrs. Watters was a graduate of Downingtown High School, went on to earn a nursing diploma and earned education degrees from both West Chester and Villanova universities. She began her nursing career at the Albert I. DuPont Institute for Children in Wilmington. Later, after raising a family, she returned to work as a science teacher in the Downingtown Area School District and subsequently was the school nurse.

In a tribute to her service to the community, the Board of Supervisors will plant a sycamore, one of her favorite trees, in her honor in the Community Park.

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## LIBRARY SEEKING BOOKS FOR ITS FALL SALE

The Friends of Downingtown Library will hold its fall book sale upstairs at the main library 330 East Lancaster Ave. on Friday Sept. 18 (from 7 to 8 p.m.) and Saturday Sept. 19 (from 9 a.m. to 4 p.m.). There'll be a wide variety of books on sale for \$1 or less with all proceeds going to the library.

The library currently is seeking donations of books for the sale. Katherine Lovell, spokesperson for the library, says that "gently used" books are much appreciated and adds, "please, no encyclopedias, texts or condensed books." Books can be dropped off Monday through Thursday (9 a.m. to 8 p.m.), Friday (9 a.m. to 5 p.m.) and Saturday (9 a.m. to 1 p.m.).

The library serves more than 35,000 residents in the greater Downingtown area, circulates more than

117,000 books and other items a year and provides various activities such as book clubs, story times and educational programs.

## STATE CONTACTS FOR SPECIAL TAX REBATES

The state announced new details on its program that offers property tax/rent rebates. The program is open to eligible Pennsylvanians 65 and older, widows and widowers age 50 and older and people with disabilities age 18 and older. A 2006 program expansion increased the income limit from \$15,000 to \$35,000 (which excludes half of Social Security income) for homeowners and raised the maximum standard rebate for both homeowners and renters from \$500 to \$650. The income limit for renters is \$15,000.

Supplemental property tax rebates of up to \$325 may be available to those who pay more than 15% of their income on property taxes.

Property tax/rent rebate claim forms (PA-1000) and information are available online at [papropertytaxrelief.com](http://papropertytaxrelief.com) or by calling 1-888-222-9190. They're also available at area agencies for the aging, senior centers and state legislators' offices. The deadline to apply for a rebate on property taxes or rents paid in 2008 is Dec. 31.

## On the Move

### TOWNSHIP REAL ESTATE

The following real estate transactions took place between late FEBRUARY and mid JUNE.

400 Banyon Lane .....	\$235,000
16 Batten Drive.....	\$517,500
104 Bolero Drive .....	\$625,000
115 Bolero Drive .....	\$450,440
1640 Bondsville Road.....	\$ 39,000
91 Canterbury Court.....	\$270,000
412 Creek Road.....	\$206,000
63 Essex Court.....	\$203,500
15 Grovehill Court .....	\$386,000
207 Hockley Drive.....	\$499,900
690 Hopewell Road .....	\$380,000
950 Hopewell Road .....	\$225,000
918 Horseshoe Pike .....	\$320,000
214 North Caldwell Circle .....	\$325,490
223 North Caldwell Circle .....	\$337,200
305 Pinebrooke Circle.....	\$237,000
131 Ridgewood Circle.....	\$288,000
302 South Caldwell Circle.....	\$413,900
329 South Caldwell Circle.....	\$421,600
40 Tarrytown Lane .....	\$393,000
280 Township Road .....	\$217,000
106 Tradition Lane .....	\$325,000

Source: *Weichert Realtors, West Chester*

## TOWNSHIP'S NEW AV SYSTEM OPERATIONAL

The Township's new audio/visual system is now in place in the main meeting room. All those on the dais have individual microphones and share small screens on which they can follow material displayed on the main screen which is mounted on the wall behind the dais. Early trials of both the audio and video elements went smoothly. The audio system greatly enhanced voices, making them easy to hear in any part of the hall (a change much appreciated by some, mainly older, residents). The video allowed a developer to show plans and the Township to display pictures of demolition efforts at the Bondsville Mill Park.

# Chief Mark Kocsi Highlights Happenings at Police Department

East Brandywine Township Police Department (EBTPD) received a \$ 5,000 Department of Community and Economic Development (DCED) grant through Senator John Rafferty's office for the purchase of three Body Bunker Ballistic Shields. The shields will be carried in the police vehicles and can be deployed during high-risk situations to provide additional ballistic and serious injury protection to the officers.

The Department was awarded \$11,500 by the U.S. Department of Justice through its Edward Byrne Memorial Justice Assistance Grant program. The Chester County District Attorney's office

is coordinating the grant applications for the 13 municipalities that became eligible for the grant money. Once funding is received it will be used to purchase new ballistic vests for the Police Officers.

The Chester County District Attorney's office has approved and awarded a \$42,526 grant to the EBTPD for the purchase of ICOP mobile video recorders (MVRs) for the police vehicles. These monies were part of a drug investigation and large forfeiture completed by the police department and District Attorney's office. MVRs have proven invaluable

in terms of officer safety, the collection of evidence and for recording interactions between police officers and individuals. The MVRs should be installed and operational by the end of the summer.

The EBTPD would like to acknowledge Officer Joseph Glasgow who recently submitted his resignation. Officer Glasgow has accepted a position with Conshohocken Borough Police in Montgomery County and will begin there in July. We thank Joe for all his hard work and wish him the best.

The EBTPD would like to welcome two recent additions to

the Police Department. Officer John Williams, who was with the former Brandywine Regional Police, was sworn in this past month along with new part-time Officer Daniel Orris.

The Police Department would like to thank the Fire Company for allowing it to participate in the 2009 Kids' Festival. The Police Department spent the day handing out police related knick-knacks and new fingerprint ID kits. It was a fun day for all and we are already planning for next year's Fest.

One of the top priorities right now is to redesign and activate our new website. Officer Steve Tyree and Officer Daniel Orris are working hard to get all parts of the site up and running. Our new web site can be reached at [www.ebtpd.org](http://www.ebtpd.org).

# More Talk About General Store Future

The Guthriesville General Store building got another reprieve. At their June 4 work session, the Supervisors agreed to the owner's request to extend to February 2010 a demolition permit due to expire in August. Louis J. Colagreco Jr., attorney for the owner, said efforts are continuing to market the building and "there has been some interest" though he did not comment on potential buyers. Earlier, the West Chester Daily Local reported that a developer was interested in the property but that deal was said to hinge on demolition of the store building.

Of more immediate concern to the Supervisors is what to do with the historic elements of the building if it is demolished.

The Historical Commission earlier this year came up with a list of 322 items worthy of preservation, including doors, windows, stairways and interior treatments such as baseboard molding, chair rails and wainscoting. At the time, the Supervisors asked the Historical Commission to set priorities, separating the "must save" from the "good to save." At the June meeting, however, the Commission submitted the same list, igniting a sharp response from Vice Chairman David Kirkner. "You've got to prioritize," he told Commission chairman John Black. "Three hundred items are

way too much. If this has to be moved, where will it be stored? What's your 10-year plan?" Added Supervisor Jay Fischer: "This is a wish list and you're not going to get everything on your list." He suggested that if the Historical Commission can't promise a use for any artifact, then maybe it should be offered for sale to someone who could use it.

Mr. Black explained that the list actually identified 322 photographs and in a number of cases one item was photographed from different angles. Thus, he said, the total to be moved certainly would be fewer than 322.

This brought up the issue of where any salvageable items would be stored, and how to get them there. Before Wawa dropped its

plans for a service station and convenience store this past spring, it had agreed to transport any saved material at its expense. Some small and significant items were to go to the Township building, the rest probably to the Bondsville Mill Park. Mr. Colagreco made it clear that, with Wawa and its agreement gone, any saved material would have to be picked up at the site. Mr. Kirkner said that Township staff would not do the work, leaving the door open for Historical Commission volunteers.

Mr. Black assured the Supervisors that the Commission will come up with a prioritized list of what should be kept, and why, if the building ever is demolished.

# Opening Day for EBYA



BIG CROWDS TURNED OUT FOR opening day of East Brandywine Youth Athletics in Community Park. The youngest players drew some of the biggest audiences. The best soccer rules weren't always enforced but the kids had a lot of fun—and won cheers from parents on the sidelines. Baseball got going, too, with youngsters of all ages getting into the act, both boys' and girls' teams.



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