

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
PM SESSION
May 19, 2022

Those in Attendance:

Kyle P. Scribner, Chairman
Carl K. Croft, Vice-Chairman
Luke D. Reven, Township Manager
Mark Kocsi, Chief of Police
Matthew VanLew, Roadmaster
Tom Oeste, Township Solicitor
Lisa Taraschi, Township Secretary

The East Brandywine Township Board of Supervisors meeting of Thursday, May 19, 2022 was called to order at 6:30 PM at the East Brandywine Township Municipal Complex.

Opening of Meeting

Chairman Scribner opened the meeting by announcing that this meeting is being recorded. He then asked everyone to stand for the Pledge of Allegiance.

Public Comment on Agenda Items

Mr. Bruce Rawlings, Chairman of the EBT Planning Commission informed the Board that Mr. Don Sample would be returning to the Planning Commission at their June 1st meeting to present a revised plan change.

Approval of Minutes

Vice-Chairman Croft made a motion to approve the Board's meeting minutes from the May 5, 2022 AM session, Chairman Scribner seconded the motion, with both members voting Aye. Motion passed 2-0.

Treasurer's Report, Authorization to Pay Bills and Approve Payroll

Township Manager Reven read the balances into record.

Vice-Chairman Croft made a motion to authorize the payment of bills and approve payroll. Chairman Scribner seconded the motion, with both members voting Aye. Motion passed 2-0.

Reports

Township Manager Reven presented his report to the Board. A copy verbatim et literatim is attached to these minutes and made part of the record.

1. Chester County American Rescue Plan Act Grants

Chester County was awarded approximately \$102 million in American Rescue Plan Act (ARPA) funds in 2021. Last month the County announced that it in turn was accepting applications for funding requests from municipalities, public authorities, small businesses, and non-profit organizations. I am

pleased to announce that both the Township and Municipal Authority have submitted applications which were due on May 16. The Township's application was to fund in part the Culbertson Run at Hideaway Farms Floodplain Restoration Project. This project, contemplated by the NPDES Pollution Reduction Plan adopted by this Board in 2018, is consistent with the goals ARPA. My thanks to Vice-Chairman Croft for his lead in writing this grant application.

2. Final Resolution: Planning Commission Review of Variance Requests

Staff was directed to implement plan to facilitate the Planning Commission's occasional desire to provide direct testimony to the Zoning Hearing Board on Special Exception and Variance applications. The Planning Commission's role as outlined in a publication by the Governor's Center for Local Government Services reads in part:

The MPC provides that, at the request of the governing body, a planning commission may present testimony before any board. This would include testimony before a zoning hearing board conducting a public hearing when considering a request for a variance or special exception or a governing body conducting a hearing on a conditional use application. [emphasis added]

The difficulty in considering the Planning Commission's request was scheduling a Planning Commission Meeting to occur before a Board of Supervisors Meeting which in turn would be before the regular date for a Zoning Hearing Board hearing—All while not causing undue delay to applicants. I am pleased to report that the Zoning Hearing Board has agreed to move their standard date to the second Thursday of each month. This should reduce application processing time by as much as 30 days.

3. Reports of the Appointed Auditor Now Online

The reports of the Township's Appointed Auditor, BBD, are now available on the Township's website and attached to this report. My thanks to Lisa Valaitis and Jan Bednarchik for their work facilitating the BBD's review of our books.

4. Comprehensive Plan Project Update

The Ordinance Task Force reviewed the first complete draft of a new Comprehensive Plan at their meeting on Wednesday, April 27. The Ordinance Task Force has been working with consultants Thomas Comitta Associates and the Brandywine Conservancy for about a year. This project has been funded in part by a generous Vision Partnership Program grant awarded to the Township by Chester County.

Per the consultant's scope of work, this initial draft will be revised three times at the following times:

1. One revised draft after the Ordinance Task Force Meeting (Ongoing Now);
2. One revised draft after the Planning Commission Public Meeting; and
3. One revised draft after Chester County's Act 247 Review.

The next step is a presentation at a public meeting of the Planning Commission, scheduled for Wednesday, July 6 at 7:00 PM in this room.

5. Chester County Model Stormwater Ordinance Update

On February 10, 2022, the Chester County Board of Commissioners adopted a resolution to amend the County-wide Act 167 Stormwater Management Plan for Chester County, PA to replace the 2013 model ordinance with the recently completed 2022 County-wide Act 167 Stormwater Management Model Ordinance. The updated Model Ordinance is available at [chesco.org/Stormwater Ordinance](https://chesco.org/Stormwater%20Ordinance).

As municipality with an MS4 permit, East Brandywine must update our ordinance to be consistent with the updated County-wide Model Ordinance by September 30, 2022. The County's adopted Model Ordinance has been submitted to PA DEP for their final review and approval in accordance with Pennsylvania Act 167. This review is not yet complete. A notice will be mailed to each municipality once final approval has been obtained from PA DEP. On May 6 Staff participated in a county-sponsored workshop.

The Ordinance Task Force will be reviewing the 2022 Model Ordinance and making recommendations to the Board of Supervisors regarding the few discretionary items for our own ordinance.

6. Upcoming Events

Township events before my next report:

MAY 24 | 6:00 PM

Memorial Day Ceremony & Flag Display

Veteran's Memorial 6:00 PM Flag Installation 7:00 PM Ceremony.



Mr. Reven presented the Building Inspectors report to the Board.

Township Roadmaster Mr. Matt VanLew presented his report to the Board. A copy verbatim et literatim is attached to these minutes and made part of the record.

2022 Road Paving Project

We received a proposal from Mr. Kyle Turner of Cedarville Engineering Group for our 2022 paving bid contract. This year we are planning base repair and overlay the following roads: Gloucester Drive, Berkley Drive, a small portion of Raleigh Drive and Township Road from Seven Springs to Mount Idy MHP. Additional work includes minor base repair on Timber Pass and micro surface Timber Pass, Banyon Lane and the Cumberland Ridge development. There is \$380,000 budgeted for this year's projects which includes Engineering Costs.

This year's Cedarville proposal's total is \$18,000 which includes two bid contracts, one for paving and another for the micro surface. Most paving contractors would more than likely hire a subcontractor for micro surface with a mark-up. The proposal also includes Roadway Coring for Township Road to determine that scope of work. I respectfully request the Board of Supervisors accept the proposal from Cedarville Engineering Group for \$18,000 to provide contract documents for our 2022 Road Program.

Township Road

On Tuesday of this week MDG the developer of the Hillendale Development started the widening and overlay of Township Road. The road will be widened to twenty feet. We look forward to the completion of the project.

Gloucester Drive

Last week we completed the replacement of a cross pipe located in the area of 5 Gloucester Drive. Thank you to the residents for their patients during the temporary road closure.

FEMA Grant Tropical Storm Ida

We continue to work with FEMA for repairs after Tropical Storm IDA September 1, 2021. On Monday we began work on a temporary repair to the Bondsville Mill Bridge. The work includes placing concrete bin blocks, which are called Legos, and pouring two feet of flowable fill. The work requires seven lifts until we reach the asphalt bridge approach. We anticipate the work will be completed the end of next week.

Chief Kocsi presented his report to the Board. A copy, verbatim et literatim, is attached to these minutes and made part of the record.

1. COVID UPDATE – The COVID-19 CDC and State mandates have been lifted in the Police Department. Employees in the PD will continue taking temperatures as a precaution for a while. Officers will continue wearing masks or other PPE on medical calls that require a higher level of caution.

Monthly Statistics:

Total monthly events for EB	2,258
Investigations completed	179
Criminal Arrests	7
Summary Arrests	2
Warrant Arrests	4

Juvenile Petitions	0
Accidents Investigated	9
Traffic Citation issued	174
Warnings Issued	69
Patrol Miles logged	9,630

Training Completed:

Crpl. Juan Lemus – Handgun Instructor Certification

Department – 2022 Firearms Training

Department - CCDA Office LETI Certification (Drug Diversion Program)

Correspondence:

Chief John DeMarco to Crpl. Dan Orris – Thank you or helping with Detective interviews.

Resident Malinda Tweed – Thank you for speed enforcement.

East Brandywine Fire Marshall Joe Edwards presented the EBTFD report to the Board. He informed the Board that the Fire Department has applied for grant money. He also informed the Board that the new completion date of the Fire House is July 18. Mr. Edwards also stated that during the Chester County Emergency Council banquet local resident Mrs. Kathy Rawlings was presented with the Margarett Bingham Award for Service. Stating, it's the highest EMS award in Chester County. Mr. Edwards stated due to a significant financial contribution, the entire upstairs of the fire house will be named the Whitmer Conference Center.

Chairman Scribner suggested that the Fire Company be utilized as a polling place.

Approval of Planning Commission Minutes

Vice-Chairman Croft made the motion to approve the April Planning Commission Minutes. Chairman Scribner seconded the motion, with both members voting Aye. Motion passed 2-0.

Old Business

7 Maria Court: Stormwater Issues

Mr. Reven stated that the homeowner was contacted by the Township Stormwater Engineer. He added his report is pending. A copy will be sent to the resident when completed.

Mapleview: Plan Changes

This item was tabled for a later time.

New Business

Appointment of Ashby Corfee as the Municipal Authority Secretary

Mr. Reven reminded the Board that at a previous meeting the Board signed a document giving the Municipal Authority permission for a new hire. Mr. Reven asked the Board for permission to hire Ashbey Corfee for that position.

Vice-Chairman Croft made a motion to hire Ashby Corfee as an employee of East Brandywine Township to be subcontracted by the East Brandywine Township Municipal Authority. Chairman Scribner seconded the motion. With both members voting Aye, motion passed 2-0.

Cedarville Proposal for Professional Services: 2022 Road Program

Roadmaster VanLew presented the Cedarville proposal for maintenance, rehabilitation, and reconstruction of Gloucester Drive, Berkley Drive, Raleigh Drive, Township Road, Timber Pass/Banyon Lane, and Cumberland Ridge within the Township. This work will repair and pave portions of the mentioned roads. The proposal in the amount of eighteen thousand dollars.

Vice-Chairman Croft made a motion to accept the Cedarville Proposal for professional service for the 2022 Road Program. Chairman Scribner seconded the motion. With both members voting Aye, motion passed 2-0

Subdivision & Zoning Applications

Resolution 8 of 2022: 170 Crawford Road: Preliminary Plan Approval

Mr. Adam Brower of E.B. Walsh presented the project to the Board, stating the project was recently before the Planning Commission who granted Preliminary Plan approval with conditions. He explained this is a two-lot subdivision. He added one of the comments the Planning Commission made was regarding the Historic Resource report. This report has since been forwarded to the Township and the applicant, Mr. Greg Wagman, whom has appeared before the Historic Commission. Mr. Brower stated the Historic Commission has accepted this report.

Mr. Oeste stated they have prepared a Resolution that has the effect of approving the Preliminary Plan with twelve conditions. Mr. Oeste read the conditions to the Board.

Vice-Chairman Croft stated that he felt that the Stormwater will be better managed by this project. He does not see any problems with the steep slopes.

Mr. VanLew stated he has two concerns regarding the plan he reviewed. The plan shows a 25-foot right-of-way on the south side of the property. He stated if the right-of-way is deeded to the Township the majority of the barn ruins and springhouse would be on Township property. Mr. VanLew is concerned of the liability regarding the barn ruins.

Mr. Oeste advised that the Township will need to decide at Final Plan if they will accept the right-of-way at that time.

The discussion continued regarding the right-of-way and barn ruins. The owner granted an additional easement to the Township and agreed to repair, to lower and cap the pillar in question.

Mr. Brower stated that Mr. VanLew had a question regarding the wingwall. He added he did not feel that this project should carry the burden of repairing the wingwall. Mr. Vanlew asked if the wingwall was placed as part of the project across the street. After some discussion regarding the wingwall, Mr. Wagman stated that he would remove and clean up the rocks. Mr. Scribner stated that the wingwall will be reviewed at the Final Plan approval.

Vice-Chairman Croft made a motion to approve Resolution 8 of 2022 a Preliminary Plan that has been amended by the comments made by the Township Solicitor and Chairman Scribner. Chairman Scribner seconded the motion. With both members voting Aye, motion passed 2-0.

Variance Application: 238 Patriot Lane

Vice-Chairman Croft stated that he attended a special Planning Commission meeting on May 17th. He advised that this was the first meeting to enable the Planning Commission to review variance applications. He added regarding the variance application of 238 Patriot Lane, the Planning Commission decided to take a neutral stance. Mr. Croft stated being there for the presentation, he took objection to the neutral stance because he did not feel the applicant showed a hardship. He added the applicant is in a R2 cluster that allows for 20%. He also added the Ordinance Task Force is in the progress of revisiting the percentages in the different areas. Mr. Croft asked for permission to attend the Zoning Hearing to represent the Board and to present his objection to this project. Mr. Croft stated as a Supervisors, it is our job to enforce our zoning rules even if we don't like them.

Mr. Oeste added the current impervious in that area is 20%. In order to install the pool and a small amount of coping around the pool, the impervious would go to 21.9%. He added the stamped concrete patio around the pool will bring the impervious up to 25.4 %. Mr. Croft added he is objecting to the variance because we are currently in the process of changing our zoning and there was no necessary hardship presented.

Mr. Rawlings stated that over the years the Commission has made three decisions: no comment, why denied, and why approved. He added that the Commission would like to continue to make comments and probably should have recommended denial of the application. Mr. Rawlings added it was difficult to hear in the room due to the background noise, echoing, and chatter of other members of the Commission. Mr. Croft suggested that any decision, other than no comment, would have been a better decision as the Board counts on the Commission for their feedback. He added he was also confused because the Commission got into other issues that he did not feel should have been discussed by the Commission.

Vice-Chairman Croft made a motion to allow Mr. Croft to represent the Board of Supervisors at the Zoning Hearing on June 9th. Chairman Scribner seconded the motion. With both members voting Aye, motion passed 2-0.

Ordinances & Resolutions for Consideration

There was none.

Public Comment on Non-Agenda Items

There was none.

Notices

An Executive session will be held following this meeting to discuss personal matters.

Adjournment

Vice-Chairman Croft made a motion to adjourn at 7:40 PM. Chairman Scribner seconded the motion, with both members voting Aye. Motion passed 2-0.

Respectfully submitted,

Lisa Taraschi,
Township Secretary