

EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
PM SESSION
July 21, 2022

Those in Attendance:

Kyle P. Scribner, Chairman
Carl K. Croft, Vice-Chairman
Jason Winters, Supervisor
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, July 21, 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

There was no public comment.

Approval of Minutes

There were no minutes.

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

Vice-Chairman Croft made a motion to authorize the payment of bills and approve payroll. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

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. Comprehensive Plan Update: Presentation and Comment Period

A reminder that we remain in the public comment period for our draft Comprehensive Plan. This draft is the culmination of over a year of efforts by the Ordinance Task Force and this consultant team. Following this Board's action on July 7 Staff distributed the draft to adjacent municipalities, the Downingtown Area School District, and the Chester County Planning Commission.

- A current draft of the Comprehensive Plan is available online. The website URL is: www.eBrandywine.org/CompPlan.

- Video from the July 6 Planning Commission presentation is available on the same site.
- The website also hosts a form for public comment on the draft Comprehensive Plan.

This project has been funded in part by a generous Vision Partnership Program grant awarded to the Township by Chester County.

2. Upcoming Events

JULY 21 | 6:30 PM

Concert in the Park: Minerva with Kevin Henry & Peggy Carroll-Henry



AUGUST 19 | DUSK

Movie in the Park: Raya and the Last Dragon



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

Whittaker Park Repair Project

Earlier this month the Road Department repaired the Whittaker Park after damage from the September 2021 Hurricane Ida. The walking paths, which were crushed stone with fabric, had washed out during the storm. The surrounding areas that were stabilized with vegetation remained in-place. We removed the fabric and graded the remaining stone for a level surface, placed four loads of top soil, seeded and stapled straw matting. We also poured concrete over the stream culvert. With this report are photos of the work completed.

We received a contribution for the repairs to the park from the Board of Directors of the Chester County Community Foundation in the name of Helen and Robert Whittaker.

FEMA Hurricane Ida

We continue to work with FEMA for cost reimbursement for projects located within the Township. The first project was the restoration of the parking lot at Bondsville Mill. Although the project was completed in December of last year we have not received the funding. The project was approved in April of 2022 but according to FEMA the funds have not been transferred from FEMA.

The second project is the Road Damages. This project has been submitted to FEMA, we are waiting final approval.

The third project is the temporary repairs of Bondsville Mill Bridge. This project was completed the end of May, we are waiting for copies of cancelled checks to submit this project to FEMA.

The next project is the repair or replacement of the Old Horseshoe Pike culvert. That road is currently closed

due to damage to the culvert structure from Ida. Pennoni Associates is completing a Hydrologic and Hydronic Study H&H. The study will determine if the existing structure is large enough for future storms and should it be decided to replace the structure, the size of the structure needed. Once complete Pennoni will provide estimated costs for the replacement and repairs. If it is determined that the structure will be replaced design will proceed.

The next project is the permanent repairs to Bondsville Mill Bridge. This work will include the extension of the existing wing wall(s) and protection of the bridge footings.

The remaining work is the completion of FEMA Category Z. This category will reimburse the Township for all administration costs for the projects which includes Luke and my time.

Working with FEMA has been difficult with all of the information they request for reimbursement. Without the assistance of FEMA representative Tricia Lieb, who is Program Delivery Manager, we would not have been able to complete all of the forms and provide the information required.

Stolen Street Signs

Soon after the end of the school year there were numerous street signs stolen and damaged throughout the Township. All of the signs were street names. Should anyone discover a street sign in their garage, student's bedroom or anywhere else we are interested in that info. The total cost of the damage is estimated at \$3,000.00.

2022 Road Program

Our 2022 Road Program is out for bid on PennBid. Bids will be accepted until Tuesday July 26th at 11:00 a.m. I will be requesting the Board accept the lowest qualified bid during your August 4th morning meeting.

Chairman Scribner advised that he has received several calls from concerned neighbors on Patriot Lane, in Hide-A-Way Farms, regarding the trails and posted no parking signs on the road. He added the residents want the walking path removed because they don't want the no parking signs posted on one side of the road. Mr. Scribner stated that the residents would like to meet with the Board. He asked if the trail was part of the land development plan. Mr. VanLew confirmed. Chairman Scribner stated the resident would like to hear any options pertaining to the trail. Mr. VanLew added the Planning Commission is involved in developing walking trails. He added the trail is connected to the wooded areas. They were placed where they are because this is a continuous walking trail.

Vice-Chairman Croft asked if the walking trail is in the roadway, and was this in the final plan. Mr. VanLew confirmed. He asked if no parking signs were indicated on the final plan. Mr. VanLew stated they were not. Mr. Rawlings stated they were part of the plan on the side of the walking trail. Mr. Reven added the right-of-way in the roads have been dedicated to the Township. He added if the residents want to remove a feature of this development, it is not impossible to change. However, it is contrary to the master plan of the community. Mr. Scribner stated the residents would like to come before the Board and present their opposition to no parking signs being placed on the side of the road where the walking trail is. He also inquired if an easement carries over into the grass 5-8 feet. Can a walking path, paid for by the HOA, be placed there? Mr. Reven stated the project being worked on is an ordinance for the Board's consideration that would establish parking

rules on newly dedicated roads. He added it isn't necessary to dedicate one or the other side for no parking. However, a homeowner that observed a car parked on the painted trail may be inclined to call the Police and report it. He added without the ordinance a ticket cannot be issued to the person parking on the trail.

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: June 2022

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|-----------------------------|-------|
| Total monthly events for EB | 2,107 |
| Investigations completed | 200 |
| Criminal Arrests | 8 |
| Summary Arrests | 2 |
| Warrant Arrests | 1 |
| Juvenile Petitions | 0 |
| Accidents Investigated | 10 |
| Traffic Citation issued | 145 |
| Warnings Issued | 65 |
| Patrol Miles logged | 9,445 |

Training Completed:

Correspondence:

Thank you from Janet Doan – Planning of Food Truck Fest event

Thank you from Alice Willcox – Officers stopping by grandson's birthday party

Attachments:

Monthly investigations /Officer Activity Report

East Brandywine Fire Chief Vince D'Amico presented the EBTFD report to the Board. He explained last evening the fire department signed a contract to purchase a new emergency rescue truck. He added the truck is expected to take 18-24 months to build. They expect to take possession of the truck in 2024. Fire Chief D'Amico informed the Board that the building project is progressing. He added that they hope to be in the building in August stating the second floor is expected to be completed in September. He added the elevator is taking longer than expected.

Approval of Planning Commission Minutes

Vice-Chairman Croft made a motion to approve the May 17th Special Meeting minutes of the Planning Commission. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Vice-Chairman Croft made a motion to approve the June 1st Planning Commission Minutes. Supervisor Winters seconded the motion, with all members voting Aye. Motion passed 3-0.

Old Business

Budget Committee Application

Mr. Reven presented the 4th Budget Committee application to the Board. He stated the applicant's name is Mr. Ronald Lombardi. He added staff will contact all four members Friday to begin setting up the budget meetings.

Vice-Chairman Croft made a motion to appoint Ronald Lombardi to the Budget Committee. Supervisor Winters seconded the motion. With all members voting Aye, motion passed 3-0.

New Business

Award Community Park Bathroom Sit/Utility Work Contract

Mr. Reven advised that only two bids were received for this project. Those bids were extremely high. He advised the lowest bid had a base price of \$267,400 for this project. He added that this is just the site work to prepare for a prefabricated building that would be purchased through COSTARS. Mr. Reven stated in a presentation made to the previous Board, \$330,000 was the approximate cost of the entire project. They had located other sources of revenue, specifically a DCNR Grant for \$165,000 and funding commitments from both the Foundation and EBYA totaling about \$50,000 each. Mr. Reven recommended the Board reject both bids. Not award to the lowest bidder, pending a review by our engineer and a means to obtain additional bids.

Mr. David Summers, of Park and Rec Committee, voiced his concern regarding the amount of the bids. He added we have been working on this project for six years. He stated he and the Park and Rec Committee are in agreement with Mr. Reven. He added that we need to look at other options. He suggested possibly performing some of the work in house. He added this project is a need and not a want. We would like the Boards continued support on this project. Chairman Scribner stated the Board is in agreement with him. Vice-Chairman Croft stated once Nate Cline from Pennoni returns from vacation, he has a list of questions regarding the construction. He feels some aspects were over engineered. Supervisor Winters asked if the fee in-lieu-of Open space could be made a condition of approval. Chairman Scribner stated if a development does not have the required open space there are things that can be worked on. Mr. Reven added the MPC does not contemplate the Township mandating that developers build offsite improvements. Mr. Reven requested the Board table this.

Vice Chairman Croft made a motion to reject the bids. Supervisor Winters seconded the motion. With all members voting Aye, motion passed 3-0.

Resignation of Linda MacNeal from the Zoning Hearing Board

Mr. Reven presented Dr. MacNeil's resignation from the Zoning Hearing Board.

Supervisor Winters made a motion to accept the resignation of Linda MacNeal as alternate from the Zoning Hearing Board. Chairman Scribner seconded the motion. With all members voting Aye, motion passed 3-0.

Appointment of Becky Corbin to the Zoning Hearing Board

Mr. Reven presented the application of Mrs. Becky Corbin to the Zoning Hearing Board. Adding Mrs. Corbin will fulfill the remainder of Dr. MacNeal's term as an alternate member.

Chairman Scribner made a motion to appoint Becky Corbin to the Zoning Hearing Board. Vice-Chairman Croft seconded the motion, with all members voting Aye, motion passed 3-0.

Purchase of New Speed Trailer

Chief Kocsi informed the Board the current speed trailer is about 15 years old; the electronics have stopped working. They recently retrofitted a piece for it to operate properly. He added we are currently working with a company to fix these electronic issues. He added the police department has received many requests for speed enforcement from residents. He stated having a second speed trailer would be helpful. He added he has received COSTARS venter quotes in the amounts of \$7,025, \$10,200 and \$10,800 for the purchase of a new speed trailer. The quoted amounts include solar panels for battery back-up and data collection computer programming. He stated this is a project that he had on his capitol reserve list for next year. However, he is requesting permission from the Board to make the purchase now. Chairman Scribner asked if the PD has considered using panels that can be attached to telephone poles. Chief Kocsi responded most of our developments do not have telephone poles. He added the trailers are portable for the PD. It is his recommendation to accept the lowest bid of \$7025 for the purchase of the trailer which includes freight. He advised that this vendor also offers a three-year warranty and has a local repair company that can perform repairs. Chief Kocsi asked the Board for permission to purchase the speed trailer in the amount of \$7,025 from NPH Industries located in Kentucky.

Chairman Scribner made a motion to approve the purchase of the speed trailer in the amount of \$7,025 delivered from NPH Industries, Owens Borough Kentucky pursuant to their COSTARS number. Vice-Chairman Croft seconded the motion. With all members voting Aye, motion passed 3-0.

Chester County Emergency Response Commission Membership

Chief Kocsi inform the Board since approximately 2004 the department has been part of an inter-municipal agreement with 27 other municipalities as part of the regional SWAT team. He added over the past year there has been some discussion between the municipalities about removing the liability from the municipalities creating a commission as an LLC. He added he forwarded the document to the Board and Mr. Oeste for review. He stated there is currently an article of agreement pending between Tredyffrin, Downingtown, Schuylkill, Kennett Square, and East Vincent Township to become members of the Chester County Emergency Response Commission, authorized under the Pennsylvania Intergovernmental Cooperation Act. He added the PD would transfer all of their memberships from the original agreement to this new agreement. This Commission will be overseen by a group of Chiefs who will manage the team. He also added it opens up the door for the department

to apply for more federal grants and funding. It also removes the liability from individual municipalities should the team get sued. Chief Kocsi asked the Board to authorize Mr. Oeste to move forward in creating the ordinance to allow the PD to become a member of this organization. He added once the 5 municipalities mentioned above approve the agreement, the remaining groups will move forward. Mr. Oeste stated Tredyffrin has approved it. He also stated it will be on some of the other municipalities' agendas in August. He added we can put the ordinance together once all the other municipalities approve and present it at the 2nd meeting in August.

Mr. Croft asked why an LLC and not a nonprofit. Mr. Oeste stated he is not certain that it is an LLC. Mr. Croft added he would like to know more about the corporate structure. Mr. Oeste stated he would look into it.

Subdivision & Zoning Applications

There were no applications.

Ordinances & Resolutions for Consideration

There was none.

Public Comment on Non-Agenda Items

Ms. Roseann Boylan, 131 Bollinger Road. Stated she was concerned for the teenagers walking from Applecross through her property to the shopping center. Her concern is one of the children being hit by a car. She also added they are walking deep into her property; she has a protective dog. She added she does not want to have legal problems if the dog should bite one of them. Ms. Boylan asked if putting a sign up "Beware of Dog" would protect her from being sued if one of the teens are bit. She added at times they are within 10-feet of her back window. She asked if she should contact PENDOTT about putting something in on the road. She also inquired if the Brandywine Walk subdivision would be responsible for that. Supervisor Winters added the developer has just submitted their final plan for approval. Mr. Croft advised Ms. Boylan to put up no trespassing signs. She asked if there was a path going along Route 322. Mr. Rawlings stated there is not. Mr. Reven added there is a master plan to connect Applecross to the shopping district that includes trails that may not be online. The trails will connect across the street in Mapleview which will have a connection to the proposed Giant store which would then have a connection to the existing shopping center. Mr. Reven thanked Ms. Boylan for bringing this to our attention.

Mr. Bruce Rawlings of the Planning Commission asked the Board if they have seen anything from Mapleview regarding the changes that were being made based on an agreement between the residents and the developer. The Board stated they have not seen anything. Mr. Rawlings added the sight has been cleaned up and construction has stopped. He added he is concerned. Mr. Scribner stated he believes this is a result of the upswing in interest rates. Mr. Rawlings also voiced concern regarding the open through road. Mr. VanLew stated that he met with PENDOTT and Mr. Sample earlier today. They are in the process of completing the PENDOTT right-of-way work on N. Guthriesville Road. He added they are also going to place barrels across the roadway at N. Guthriesville Road to block through traffic as this is still a construction site. Chairman Scribner advised that

they also need to put up a no through traffic sign. Mr. Reven added there are also traffic calming features that are part of the finished plan that will need to be installed. Mr. Reven inquired why it is a priority of the Board to have the road issue resolved prior to winter. Chairman Scribner stated he is concerned that there will be vehicles speeding down the road, turning around at the barrels, and speeding back. He also is concerned that the longer the road is unfinished, more damage will incur to the base coat.

Mr. Rawlings informed the Board that the Commission has received applications for non-voting members. He informed the Board he would like to add 4 new applicants as non-voting members. The Board agreed. Mr. Croft asked if Mr. Rawlings has concern that 11 people are too many. Mr. Rawlings stated there has been several months only 5 members have shown up. Having enough members to conduct a meeting is a concern.

Notices

Chairman Scribner stated there would be an executive session held this evening after the meeting to discuss personnel and legal matters.

Adjournment

Vice-Chairman Croft made a motion to adjourn at 7:30 PM. Chairman Scribner seconded the motion, with all members voting Aye. Motion passed 3-0.

Respectfully submitted,

Lisa Taraschi
Township Secretary