

PUBLIC HEARING: None scheduled at this time.

REGULAR BUSINESS MEETING:

The April 2014 regular monthly meeting of the Board of Supervisors (BOS) of East Bradford Township (Township), Chester County, PA was held on Tuesday, April 08, 2014 in the McCardle Meeting Room in the Township Building, 666 Copeland School Road, West Chester, and County of Chester, PA 19380-1822.

Public Notice of the 2014 East Bradford Township public meeting schedule was published in the Daily Local News 12-31-13.

Supervisors present:

Vincent M. Pompo, Esq., Chair
Dr. Thomas A. Egan, Vice-Chair

Supervisors not present: John D. Snook, Supervisor

Staff / professionals present:

Township Manager/Secretary-Treasurer Michael P. Lynch

Township Engineer Mark J. Lucas, P.E

Not in attendance:

Assistant Manager Amanda M. Cantlin
Township CEO Brenden L. Beaumont
John P. Carroll, Public Works Foreman
Administrative Assistant Tenley F. Adams
Administrative Assistant Nancy F. Holland
Township Solicitor Unruh, Turner, Burke & Frees - Ross A. Unruh, Esq.

Others / Citizens / Residents in attendance: *(and those noted below in the body of the Minutes):*

Approximately 7 citizens.
See Pubic Comment below.

The regular meeting was called to order at approximately 07:03 P.M. by Chair Pompo.

The Pledge of Allegiance before the Flag of the United States of America was recited at the commencement of the above referenced Public Hearing

PUBLIC COMMENT: Sunshine Law, Act 93, as amended, requires public comment prior to official action. Paula Buglio, 901 Sconnelltown Road and Gail McKenzie, 910 Springwood Drive described conditions affecting their properties (and that of other neighbors in the vicinity) from stormwater drainage runoff from Sconnelltown Road and also from Springwood Drive. Both property owners described significant erosion on their properties. Ms. McKenzie stated that stormwater runoff is entering the property on all four sides of the lot. In addition, a property on Springwood Drive is without a paved driveway which is depositing stone on the road and onto other properties after measurable precipitation. Chair Pompo, for the BOS, requested Twp Engineer Lucas to investigate the reported conditions and provide findings for consideration within the next 30-60 days. Mr. Lucas stated meeting on site with Ms. Buglio recently to conduct a preliminary inspection.

REPORTS/PRESENTATIONS: (Emergency Services, Public Works, Codes, A.B.C.'s)

None scheduled at this time.

MINUTES: The Board of Supervisors, on motion of Dr. Egan and seconded by Mr. Pompo, approved the following minutes: 04-03-14 regular work session, 03-11-14 pre-regular mtg work session and 03-11-14 regular meeting.

The minutes (and copies) are available for review at the Township Building or at www.eastbradford.org.

EXECUTIVE SESSION:

Chair Pompo reported the following Executive Session(s) occurred during the period since the last Regular Meeting:

April 03, 2014 during the Regular Work Session to discuss a real estate matter and Personnel matters; all Supervisors were in attendance together with Twp Staff.

TREASURER FINANCIAL REPORT:

A. Monthly Financial Statement – March 2014

The Board of Supervisors, on motion of Dr. Egan and seconded by Mr. Pompo, accepted the March 2014 Financial Reports prepared by the Township Treasurer

ANNOUNCEMENTS: www.eastbradford.org

- A. Public Hearings –
 - 1. Amending Chapter 16 – Liens & Claims – Procedures/ Schedule of Attorney Fees for Delinquent Collections 05-13-14, 07:00 P.M.
- B. ZHB –
 - 1. Pinto – variance (setback & coverage relief) – next hearing 04-07-14, 07:00 P.M; BOS 03-06-14) position neutral
Twp Mgr Lynch reported the ZHB concluded the hearing process with an indication of granting variance relief.
- C. East Bradford Township recognized by CCATO (03-13-14) w/ receipt of the 2014 (inaugural) Growing Greener Award for Outstanding Open Space Preservation
- D. Board of Supervisors Meeting Schedule 2013 – (All meetings are public unless Executive Session)
 - Regular Work Session – Thursday (prior to 2nd Tuesday), 06:00 P.M.
 - Pre-regular Mtg Work Session – 2nd Tuesday, 06:00 P.M.
 - Regular Business Meetings – 2nd Tuesday, 07:00 P.M.

SUBDIVISIONS/LAND DEVELOPMENT:

A. Ciccarone, SD# 606 – presentation, time extension, action consideration

The BOS discussed the status of the application.

Applicant, Tommy Ciccarone, Sr., was in attendance.

Mr. Ciccarone reviewed the conditions contained in the draft motion (Resolution) to grant Preliminary Plan approval. Mr. Ciccarone inquired and the BOS confirmed that connection to public water is a requirement for all lots (existing and new) for the subject subdivision plan.

Secretary's Note: A Resolution form is used herein for consideration of Preliminary approval due to an agency hearing (held in accordance with Section 503(8) and Section 512.1 of the Pennsylvania Municipalities Planning Code) that occurred 06-11-13 to identify various waivers and conditions attendant to the subdivision plan.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to adopt Township Resolution 11-2014 (below referenced in its entirety) granting Preliminary Plan approval to Ciccarone, SD# 606.

**RESOLUTION No. – 11-2014
EAST BRADFORD TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA**

A Resolution approving, subject to conditions, the preliminary plan (Plan) entitled the "Ciccarone Subdivision" dated July 30, 2010, last revised November 21, 2013, consisting of twelve sheets, and the preliminary "Potential Phase 1 and Phase 2 Plans" dated January 28, 2014, last revised March 31, 2014, consisting of two sheets, prepared pursuant to the Subdivision and Land Development Chapter of the East Bradford Code (SALDO). The Plan provides for the development of a certain property (Property) located in East Bradford Township (Township), Chester County, Pennsylvania in R-3 Zoning District and consisting of seven lots. This Resolution also grants eight waivers from the SALDO.

AND NOW THIS 8TH day of April, 2014, it is hereby resolved by the Board of Supervisors of East Bradford Township, as follows:

A. The following waivers are granted subject to the Applicant's agreement to the conditions herein:

- 1. SALDO Section 95-20.B(1) which requires that the minimum center line radius for curves shall be 150 feet, so that the curve situate along the existing driveway alignment on the north side of the existing bridge may be 60 feet (sta. 3+00);

2. SALDO Section 95-17.J(2)(d) which requires that private streets shall adhere to all other Township design standards for the construction of streets to be dedicated to the Township, but limited to the bridge cartway width and street alignment for which waivers are being approved in this Resolution;

3. SALDO Section 95-20.C which requires a tangent of at least 100 feet measured at the center line between reverse curves, so that the reverse curve between 5+81.89 and 6+49.59 may be 67.7 feet;

4. SALDO Section 95-26.A (12)(d) which requires that the cartway area over a bridge shall be as wide as the widest road connecting with the bridge;

5. SALDO Section 95-17.J (2)(b)[2] which requires that the minimum cartway width of a private roadway must be 16 feet throughout to allow use of the existing bridge over Plum Run which is only 12 feet;

6. SALDO Section 95-21.D which requires that where the grade of any street at the approach to an intersection exceeds 4%, a leveling area shall be provided having grades not greater than 4% for a distance of 25 feet measured from the nearest right-of-way in the intersecting street, because the existing intersection of the private road with Lenape Road (Rte. 52) does not meet this requirement;

7. SALDO Section 95-35.C (3) which requires that the lateral extent of cut or fill area shall not be more than 30 feet beyond the top of slope in fills or the toe of slope in cut, so that there may be areas ranging from 30 to 55 feet in length at station 10 to 50 and on lots 4, 5, 6, and 7 as shown on the Plan; and

8. SALDO Section 95-35.C (1) which requires that slopes of more than 10 feet in vertical height shall be separated by level berms of at least 4 feet in width within which ditches shall be construed where necessary, so that there may be vertical heights of 10 to 18 feet on lots 4, 5, 6, and 7 as shown on the Plan.

B. Plan approval is granted subject to following conditions which shall be complied to the satisfaction of the Board of Supervisors and the Township Engineer prior to granting final plan approval:

1. Prepare Homeowner's Association (HOA) documents and a Declaration of Restrictions which, among other things, shall address:

- a. the ownership, maintenance, repair and replacement of the private road and bridge;
- b. the bridge maintenance shall include but not be limited to the bridge being inspected every five (5) years by a registered civil engineer who shall certify to the structural integrity of the bridge and that the bridge has the safe carrying capacity for emergency vehicles, which certification and report shall be forwarded to the HOA and Township; and further that any deficiencies shall be remediated within 6 months except in the case of immediate emergency repairs;
- c. a provision acknowledging that the private road and bridge shall not be offered for dedication to the Township and that the Township shall not have any responsibility for the ownership, maintenance, repair or replacement of the private road or bridge;
- d. implementation of the Riparian Buffer Area Management Plan and the maintenance of the riparian buffer;
- e. the Township's right, but not the duty, to maintain the riparian buffer if the HOA fails to do so, and to be reimbursed for the cost by the HOA and the lot owners;
- f. an escrow amount for the riparian buffer area's maintenance costs for the first several years after completion of construction;
- g. a riparian buffer easement benefiting the Township to enable the Township to use the riparian buffer area toward meeting its PADEP imposed total maximum daily load requirements for sediment reduction;
- h. in accordance with Section 115-45.F(2) a program of re-vegetating the riparian buffer area 1 for areas where existing canopy vegetation is absent; and the reforestation planting shall conform to Section 115-45.F which specifies plant types, sizes, spacing and requirements for maintenance guidelines;
- i. areas within the riparian buffer areas on lots 3, 4 and 5 shall be maintained as a limited mow zone as shown on Sheet RBA1.1, prepared by Orsatti Associates, last dated 9/16/13; undisturbed areas on lots 6 and 7 within the riparian buffer area shall be maintained as limited mow zone; limited mow zones shall be maintained with one mowing a year in the early spring; existing woodland vegetation shall be retained; edges of the private road may be mown on a regular basis to a width of 5';
- j. provisions addressing maintenance of stormwater management facilities and stormwater management easements; and

k. voting powers and distribution of costs when multiple lots are owned by the same individual.

2. All sales promotional material shall notify prospective purchasers that the maintenance, repair and replacement of the private road and bridge shall be the joint responsibility of the owners of all the lots on the Plan and that under no circumstance shall the Township have any responsibility for the maintenance, repair or replacement of the private road and bridge.

3. Reinforce the bridge in accordance with the design prepared and sealed by SDA Structural Design Associates, Inc. and approved by Carroll Engineering, Inc. in a June 21, 2013 letter from Paul T. Cardie, P.E. to Mark Lucas, P.E., Township Engineer.

4. Coordinate with the Brandywine Valley Association the implementation of the riparian buffer maintenance requirements.

5. Pay all Township Consultant review fees prior to final plan approval.

6. Obtain all the required State approvals and permits, including but not limited to from PennDot and PADEP (NPDES and sewage planning approvals).

7. Prepare and execute a Stormwater Management Agreement.

8. Comply with all outstanding items in the Township Consultant review letters:

- a. January 2, 2014 Mark Lucas memorandum (re: preliminary plan).
- b. December 27, 2013 Heinrich & Klein Associates letter (re: traffic).
- c. April 15, 2013 Carroll Engineering Corporation letter (re: vehicle bridge).
- d. August 9, 2013 Brenden Beaumont memorandum.
- e. May 14, 2013 West Chester Fire Department Letter (re: fire).
- f. August 5, 2013 Lisa Thomas Letter (re: landscaping).

9. Comply with all Township ordinances, including but not limited to the solid waste and recycling requirements.

10. Agree that the Pennsylvania Permit Extension Act shall not apply to this development.

11. Resolve to the satisfaction of the Zoning Officer and Solicitor all zoning issues related to the non-conforming lot 6, and in particular the legal effect of any changes in the lot area and the degree of non-conformity of lot 6.

12. Provide for an emergency access.

13. Extend the water main to service lots 6 and 7 during Phase 1 of the construction; improve the private roadway, per the Plan, across the bridge to the access points for lots 6 and 7; and prior to the occupancy of both lots 6 and 7, upgrade the bridge, per Condition 3, during Phase 1.

14. Demonstrate through hydrologic and hydraulic analysis during the final plan design phase, that the proposed bridge improvements shall enable the passage of the 100 year return period design storm without over topping the private road or the bridge.

15. Execute an Agreement Prohibiting Conveyance in a form acceptable to the Township Solicitor.

ATTEST:

BOARD OF SUPERVISORS OF
EAST BRADFORD TOWNSHIP:

The undersigned applicants agree to the conditions set forth above.

Date: _____

B. Pennington, SD# 628 – presentation, action consideration
The BOS discussed the status of the application.

Applicant, Richard Pennington, was in attendance.

Mr. Pennington reviewed the conditions contained in the draft motion to grant Preliminary / Final Plan approval. Mr. Pennington inquired and the BOS confirmed that installation of sidewalks along the property frontage (and survey monuments) would be required if the subject property is further improved or re developed (vis-a-vis land development) in the future as part of long term planning along the Downingtown Pike (Rte. 322) corridor.

Mr. Pennington thanked the Township -BOS and Staff – for the service during the plan review and approval process.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to grant approval of Pennington, SD# 628, more specifically the plan entitled “Preliminary/Final Land Development Plan for Richard E. Pennington” dated February 12, 2014 (last revised March 14, 2014), consisting of 1 sheet and granted with the following waivers/modifications:

1. 95-8.C (4) to not require a fee in lieu of recreational open space;
2. 95-13.C(2)(c) to not show locations of existing easements on the basis that Mr. Pennington has owned the property since the last survey was completed (about 30 years) and no new easements have been placed on the property in that time;
3. 95-14.C (4) to not require the location of underground utilities on site and within 50 feet of the property boundary;
4. 95-14.C (12) to not require further utility information to be submitted regarding the storm drainage system on the basis that the building will be located in a clear area;
5. 95-24.A to not require sidewalks along the frontage of the property;
6. 95-25.1 to not require plantings on the basis that the shed will be screened from public view; and,
7. 95-33 to not require permanent monuments to be set at property corners.

And further, approval of the Plan is subject to the following conditions:

1. Sidewalks and monuments will be required to be installed per the Township Code requirements if the applicant makes any future additional improvements to the property;
2. The applicant shall comply with any and all items in the Township consultant review letters (existing and/or forthcoming), including but not limited to comments from Township Engineer Mark Lucas and Zoning Officer Brenden Beaumont; and,
3. The Applicant shall reimburse the Township for all outstanding bills and fees related to the application (a current account statement is enclosed).

ESCROW RELEASES:

None this period.

OTHER BUSINESS:

- A. Approve Bills to Pay Lists for April as appropriated in 2014 Budget

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted unanimously to approve the Bills to Pay Lists for April 2014 as appropriated in the 2014 Budget, recommended for payment by the Treasurer and signed by at least two members of the Board of Supervisors and/or Township Treasurer.

- B. Agreement for Collection of Delinquent Municipal Claims (sewer, other) – Portnoff Law Associates
Chair Pompo described the background and summarized the proposed Agreement which immediate objective is to reconcile a number of outstanding (several long standing) sewer account delinquencies. The Sewer Fund (and operation) is an enterprise fund that is supported exclusively by the rate paying customers. Customers with delinquent account balances negatively affect the financial condition of the fund.

Twp Manager Lynch, upon inquiry by Vice Chair Egan, indicated that before delinquent accounts are referred to Portnoff Law Associates that a letter from the Township will be sent to delinquent account owners in an attempt to address the outstanding balances. Mr. Lynch indicated that once an account is referred to Portnoff, the Township will be removed from the process and Portnoff Law Associates collection and attorney fees will accrue to the delinquent account.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to approve
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an Agreement for Collection of Delinquent Municipal Claims (by Portnoff Law Associates) on Behalf of East Bradford Township with a term to 12-31-2015.

OTHER MATTERS:

None discussed at this time.

PUBLIC COMMENT:

None received / offered at this time.

MEETING ADJOURNMENT:

The Board of Supervisors, on motion of Dr. Egan and seconded by Mr. Pompo, adjourned the Regular Meeting at approximately 07:48 P.M.

Next scheduled Regular Meeting of the Board of Supervisors, Tuesday, May 13, 2014, 07:00 P.M.

Michael P. Lynch
Township Secretary

EXECUTIVE SESSION (at discretion of Chair):

None scheduled at this time.

PUBLIC HEARING:

None scheduled at this time.