

PUBLIC HEARING:

1. Amending Chapter 89 – Sewers – Violations and Penalties of Article IV – On-lot Sewage Disposal Facilities, (Ordinance 02-2014)

The above public hearing held prior to the Board of Supervisors regular meeting on June 10, 2014 in the McCardle Meeting Room in the Township Building Meeting Room, 666 Copeland School Road, West Chester, and County of Chester, PA 19380-1822.

Supervisors present:

Thomas A. Egan, Vice Chair

John D. Snook, Supervisor

Not in attendance: Vincent M. Pompo, Esq.

Staff / Professionals in attendance:

Township Manager Michael P. Lynch

Assistant Manager, Amanda M. Cantlin

Township Engineer Mark J. Lucas, P.E.

Not in attendance:

Township Codes Enforcement Officer, Brenden L. Beaumont

Public Works Foreman, John P. Carroll

Township Services Coordinator, Tenley F. Adams

Township Solicitor(s) Ross A. Unruh, Esq.

Others in attendance:

__5__ citizen(s)

The purpose of this hearing is to receive public comment and consider approval of amendments to the East Bradford Township Code regulations contained in Chapter 89 – Sewers – Section 89-34, pursuant to Section 1601 (C.1.)(2) of the Second Class Township Code and to provide for enforcement by summary offense related to on-lot sewage disposal facilities.

The Board convened the public hearing at 07:03 P.M. Public Notice of this hearing was published in the Daily Local News on May 29, 2014. Notice also was posted at the Township Building May 29, 2014. The proposed ordinance was available for public inspection at the Township Building and on the Township web site www.eastbradford.org.

Secretary's Note: A Court Reporter was not in attendance to record the proceedings and these Minutes constitute the official summary of the hearing.

Vice Chair Egan introduced the intent of the hearing as stated above. The ordinance clarifies enforcement language for property owners with on-lot sewage disposal facilities that do not timely remit fees to the Township as part of the PA DEP required on-lot Township sewage maintenance program.

There were no additional comments from the Supervisors at this time.

Public comment received:

None received / offered at this time.

The Board of Supervisors closed and concluded the hearing at 07:06 P.M.

Consideration to adopt pending Ordinance 02-2014:

At this time, Vice Chair Egan called for a vote. On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted 2-0 to adopt Ordinance # 02-2014 – An Ordinance of the Township of East Bradford, Chester County, PA, amending regulations contained in Chapter 89 – Sewers – Section 89-34, pursuant to Section 1601 (C.1.)(2) of the Second Class Township Code, to provide for enforcement by summary offense related to on-lot sewage disposal facilities.

The Ordinance shall become effective June 16, 2014.

END

PUBLIC HEARING:

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2. Amending Chapter 104 – Traffic & Vehicles – amendments (add / delete Stop traffic control)
(Ordinance 03-2014)

The above public hearing held prior to the Board of Supervisors regular meeting on June 10, 2014 in the McCardle Meeting Room in the Township Building Meeting Room, 666 Copeland School Road, West Chester, and County of Chester, PA 19380-1822.

Supervisors present:

Thomas A. Egan, Vice Chair

John D. Snook, Supervisor

Not in attendance: Vincent M. Pompo, Esq.

Staff / Professionals in attendance:

Township Manager Michael P. Lynch

Assistant Manager, Amanda M. Cantlin

Township Engineer Mark J. Lucas, P.E.

Not in attendance:

Township Codes Enforcement Officer, Brenden L. Beaumont

Public Works Foreman, John P. Carroll

Township Services Coordinator, Tenley F. Adams

Township Solicitor(s) Ross A. Unruh, Esq.

Others in attendance:

__5__ citizen(s)

The purpose of this hearing is to receive public comment and consider approval of amendments to the East Bradford Township Code regulations contained in Chapter 104 - **Vehicles and Traffic - Section §104-6, “Stop Intersection”**.

§104-6. Stop intersections is amended so that the following road and designated controlling traffic shall be deleted from this Chapter at the specified location:

Intersection	Controlling Traffic
Copeland School Road (SR-3063) and Frank Road (T-379)	South on Copeland School Road

§104-6. Stop Intersections: is amended by the below addition so that the following roads shall have the following stop intersection at the specified locations:

Intersection	Controlling Traffic
Copeland School Road (SR-3063) and Frank Road (T-379)	3-way stop intersection, south and west on Copeland School Road and east on Frank Road

The Board convened the public hearing at 07:06 P.M. Public Notice of this hearing was published in the Daily Local News on May 29, 2014. Notice also was posted at the Township Building May 29, 2014. The proposed ordinance was available for public inspection at the Township Building and on the Township web site www.eastbradford.org.

Secretary’s Note: A Court Reporter was not in attendance to record the proceedings and these Minutes constitute the official summary of the hearing.

Vice Chair Egan introduced the intent of the hearing as stated above indicating that upon request of the Township in 2013, PADOT recently reviewed and approved the traffic control addition of a 3-way Stop at Frank and Copeland School Roads. The intersection has a history of confusion with motorists with turning movements.

There were no additional comments from the Supervisors at this time.

Public comment received:

None received / offered at this time.

The Board of Supervisors closed and concluded the hearing at 07:08 P.M.

Consideration to adopt pending Ordinance 03-2014:

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At this time, Vice Chair Egan called for a vote. On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted 2-0 to adopt Ordinance # 03-2014 – An Ordinance of the Township of East Bradford, Chester County, PA, amending regulations contained in Chapter 104 Vehicles and Traffic, Section 104-6, Stop Intersections.

The Ordinance shall become effective June 16, 2014.

END

REGULAR BUSINESS MEETING:

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The June 2014 regular monthly meeting of the Board of Supervisors (BOS) of East Bradford Township (Township), Chester County, PA was held on Tuesday, June 10, 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:

Dr. Thomas A. Egan, Vice-Chair

John D. Snook, Supervisor

Supervisors not present: Vincent M. Pompo, Esq., Chair

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: (*with those noted below in the body of the Minutes*):

 5 citizens.

The regular meeting was called to order at approximately 07:08 P.M. by Vice Chair Egan.

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. None received / offered at this time.

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

None scheduled at this time.

MINUTES: The Board of Supervisors, on motion of Mr. Snook and seconded by Dr. Egan, approved the following minutes: 06-05-14 regular work session, 05-13-14 pre-regular mtg work session and 05-13-14 regular meeting.

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

EXECUTIVE SESSION:

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

June 05, 2014 during the Regular Work Session to discuss real estate matters; Supervisors Egan and Snook were in attendance together with Twp Staff.

TREASURER FINANCIAL REPORT:

A. Monthly Financial Statement – May 2014

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

ANNOUNCEMENTS: www.eastbradford.org

A. Public Hearings –

1. Amending Chapter 89 – Sewers – Violations and Penalties of Article IV – On-lot Sewage Disposal

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Facilities –

06-10-14, 07:00 P.M.

2. Amending Chapter 89 – Interest & penalties

B. ZHB –

1. Rowan Estate – appeal (enforcement action) – hearing 06-16-14, 07:00 P.M.
BOS 06-05-14 position – oppose appeal / sustain Enforcement Notice

C. Trail Blazer Race (fundraiser event for building trails) – Thursday, June 19, 2014

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.

July Regular Work Session – RESCHEDULED to Wednesday, July 02, 2014, 06:00 P.M.

Special Work Session (Executive Session) – Tuesday, July 15, 2014, 06:00 P.M.

SUBDIVISIONS/LAND DEVELOPMENT:

A. Comerford, SD# 626 – consider waiver / modification requests

M/M Patrick Comerford, Applicant, was in attendance together with counsel Tim Barnard, Esq. and consulting engineer Commonwealth Engineering (Vic Kelly, P.E.).

This is a 4-lot plan (consolidating and reconfiguring 5 tax parcels) on approximately 80 acres (w/ Copeland School Road, Sunset Hollow Road and Conner Road frontage). Mr. Barnard characterized the subdivision as a “comfort plan” interrelated to a potential conservation easement and development of lots 1 and 3 at an unknown future point in time. Lots 2 and 4 have existing dwellings and improvements. Mr. Barnard indicated the Applicant is not seeking a preliminary plan approval from the BOS at this meeting. At this time, the plan is being viewed with the anticipation that a conservation easement will be finalized on the property. Mr. Barnard stated that if the conservation easement does not occur, this subdivision plan would not be finalized (or recorded).

The Applicant is seeking direction from the BOS on requested /waivers / modifications to the SALDO indicated by the plan reviews completed to date by the Township prior to proceeding with the subdivision application process.

Mr. Kelly presented information about the respective waiver requests, some of which were characterized by Mr. Barnard as “deferrals”, primarily for the future development of Lots 1 and 3 related to stormwater management requirements and erosion control permitting, since the specific development on the lots is unknown. Mr. Lucas indicated that he is not opposed to deferring the design and permitting of the lots until the future provided the total project is properly permitted and the future designs are code compliant.

A discussion of the existing tree-lined driveway (Copeland School Road), approximately 10’ – 14’ wide focused on the extent of improvements necessary to accomplish effective and safe access. Mr. Snook suggested that the existing driveway could be improved with strategically placed pull-offs as an alternative to widening which could require tree removal, more extensive stormwater management and additional costs. Mr. Lucas indicated that the Applicant needs to provide documentation (in narrative form at the least) to demonstrate the need and basis for such relief which Mr. Kelly questioned such need due to the added cost to the Applicant and due to the intent to establish a conservation easement. Mr. Lucas indicated that widening of the driveway may be required to ensure safe and effective ingress and egress for both the property owners (and ancillary services) and emergency responders.

Mr. Snook stated he could favor use of the existing driveway with pull-offs and a ‘hammerhead’ design (in lieu of a cul de sac) to serve the 4 lots. Dr. Egan stated he could consider with proper documentation indicating the basis for relief and inclusive of a sign-off from the WCFD regarding emergency response / access. Dr. Egan stated in any case it must be a private roadway with a maintenance agreement.

The existing pavement section condition of the driveway was discussed. Mr. Kelly indicated the existing surface would have a 2” paving overlay added but requested such improvement be deferred (including stormwater) until the new lots were developed. Mr. Lucas indicated that the existing pavement section is unknown and the applicant should core the roadway to determine if the construction of the pavement section meets or exceeds the code requirements and if not, pavement be added as necessary to establish an equivalent pavement section to that required.

Mr. Lucas stated the need for the Applicant (engineer) to recalculate the reconfigured lots to document net
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lot area, particularly Lots 2 and 4, which have not made stormwater facility deduction allowances for further lot improvements or redevelopment of the lots.

Inclusion of landscape maintenance (tree care and replacement) also was indicated to be included in the maintenance agreement among the lot owners. The applicant indicated that no landscaping is required; therefore, no maintenance agreement is necessary. Mr. Lucas indicated that although the existing street trees might be able to be used toward street tree requirements, the landscaping agreement prevents the applicant from removing the trees after the approval of the plan and requires them to be replaced if they are destroyed by disease, natural forces, etc.

The Applicant (engineer) also is to demonstrate the required driveway radius to the north at Copeland School Road cannot be constructed due to the need to construct on the adjacent property. Some open issues related to wetlands delineation, public trail, right of ways, postal addresses and CCCD requirements were either indicated as deferrals or 'will comply'. In particular, the wetlands delineation requirement is not waived, but deferred and will be required if the owner of Lot 3 chooses to construct in the area near the tributary to Broad Run. Mr. Lucas indicated that any deferrals/waivers/modifications that may be granted by the BOS need to be clearly identified on the plans with specific notes or blocks of notes that clearly define the relief and future requirements, coupled with documentation from the applicant on the total requests for the relief, providing quantifications of the reasons for the relief requests where necessary.

The applicant indicated that their intent for future construction is to comply with future codes. A discussion ensued related to how any unforeseen future relief would be addressed, particularly if the Codes change in the interim. The BOS decided that the applicant would need to revisit the BOS in such cases to request the additional relief needed and revise the plan. The applicant indicated that the decisions on the relief requested for the roadway needs to be final at this time, so that the lots could be accessed in the future without changes to the outcome of the current waiver requests. Mr. Lucas agreed that that aspect of the project should be decided with the current plan. Vice Chair Egan indicated that the roadway should be improved prior to the issuance of a certificate of occupancy for Lot 3.

At this time Vice Chair Egan referred the Applicant to the Chester County Planning Commission review (06-03-14) and requested the Applicant (engineer) address the comments to the satisfaction of the Twp Engineer and Twp Planning Commission.

Vice Chair Egan requested Twp Engineer Lucas prepare a summary memorandum of the discussion this evening, in consort with Commonwealth Engineers for continued review and discussion by the Twp Planning Commission.

B. Chester County Art Assoc, SD# 625 – consider final plan approval

The Applicant was in attendance, represented by Darcy Goldberg and together with consulting engineer Commonwealth Engineering (Vic Kelly, P.E.).

Vice Chair Egan indicated that the BOS was favorably disposed to consider a grant of final plan approval based upon the report by Twp Engineer Lucas that the plan is technically in order but the Township would like to defer action this evening to July to codify details concerning the under consideration pedestrian trail alternative (to sidewalk) along Hillsdale Road. Dr. Egan indicated that the Township desired a written confirmation from the affected property owners (WCASD and Windon HOA) and cost estimates from the Twp Engineer for the sidewalk and pedestrian trail.

Ms. Goldberg, for the Chester County Art Association, indicated this request was reasonable.

Consideration for action on a grant of final plan approval next will occur 07-08-14 at the Regular Meeting.

At this time a brief discussion occurred regarding other potential conditions for final plan approval including:

Waivers/modifications from the SALDO Section 95-26(A)(10)(e) to locate a stormwater basin less than 50 feet from any structure, property boundary, and/or right of way due to direct discharge;

Applicant compliance with any and all items in the Township consultant review letters (existing and/or forthcoming), including but not limited to comments from Mark Lucas, Brenden Beaumont, Lisa Thomas, Stan Stubbe, and Gilmore & Associates;

Applicant shall resolve the remaining traffic items to the satisfaction of the Township Engineer;

Applicant shall pursue grant funding for rain garden plugs, but shall not be required to plant plugs because it is not a Code requirement; and, Applicant shall reimburse the Township for all outstanding bills and fees related to the application.

ESCROW RELEASES:

None this period.

OTHER BUSINESS:

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

On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted 2-0 to approve the Bills to Pay Lists for June 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.

OTHER MATTERS:

None discussed at this time.

PUBLIC COMMENT:

None received / offered at this time.

MEETING ADJOURNMENT:

The Board of Supervisors, on motion of Mr. Snook and seconded by Dr. Egan, adjourned the Regular Meeting at approximately 08:26 P.M.

Next scheduled Regular Meeting of the Board of Supervisors, Tuesday, July 08, 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.