

**WORK SESSION:**

The Board of Supervisors (BOS) of East Bradford Township (Township), Chester County, PA held a work session April 03, 2014 in the Township Building, 666 Copeland School Road, West Chester, and Chester County, 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 were: Vincent M. Pompo, Esq., Thomas A. Egan  
Supervisors not in attendance: John D. Snook

## Staff / Township Professionals in attendance:

Michael P. Lynch, Township Manager/Secretary-Treasurer  
Amanda M. Cantlin, Township Asst Mgr  
Mark J. Lucas, Township Engineer  
Brenden L. Beaumont CEO / Zoning Officer  
John P. Carroll, Public Works Foreman

## Staff NOT in attendance:

Tenley Adams, Administrative Assistant  
Nancy F. Holland, Administrative Assistant  
Township Solicitor Unruh, Turner, Burke & Frees - Ross A. Unruh, Esq.

## Also in attendance Advisory Boards and Commissions (ABC's):

Historical Commission Members – Mary Sue Boyle (Chair) and Jean Renshaw

## Others / Residents / Citizens in attendance

None.

The work session commenced at approximately 06:02P.M.

**EAST BRADFORD TOWNSHIP BOARD OF SUPERVISORS**

**Thursday, April 03, 2014, 06:00 P.M. AGENDA**

**Upcoming meeting schedule:**

April 03, 2014, Thursday	06:00 P.M. - BOS regular work session
April 08, 2014; Tuesday	06:00 P.M. - BOS pre-reg work session
April 08, 2014; Tuesday	07:00 P.M. - BOS regular meeting / Public Hearing – none scheduled
April 24, 2014, Thursday	07:00 P.M. – WCACOG – <b>West Whiteland Twp</b>
May 08, 2014, Thursday	06:00 P.M. - BOS regular work session
May 13, 2014; Tuesday	06:00 P.M. - BOS pre-reg work session
May 13, 2014; Tuesday	07:00 P.M. - BOS regular meeting / Public Hearing – none scheduled

**Public Comment:** *Discretion of BOS*

None offered / received at this time.

**Executive Session:** *Discretion of BOS -- Real Estate / Legal / Personnel*

The Board of Supervisors convened an Executive Session from 08:18 P.M. to 08:27 P.M. to discuss a real estate matter from 08:44 P.M. to 09:05 P.M. to discuss personnel matters. Supervisors Pompo and Egan were in attendance together with Township Staff.

**Priority / Action Items:** None at this time**Presentations Briefings:** CCPC – Central Chester County Bicycle & Pedestrian Plan (The Plan) – Municipal Implementation Consultation & Conversation (07:30 P.M.)

The Chester County Planning Commission's next effort to implement The Plan is to work with selected municipalities by providing no cost (no agreement) technical assistance to develop new / revised regulations (zoning, subdivision). In turn, the objective is to provide a regulatory foundation for bicycle and pedestrian improvements. CCPC planners Kevin Myers and Mark Gallant were in attendance to describe the no cost service to the Township including scope, deliverables and time frame.

The BOS expressed receptivity to the program and requested Twp Staff review and present a recommendation to the BOS for consideration at its next meeting (04-08-14).

**Discussion / Briefing Items:**A. **Organization** – April Report

1. ABC Chair Meetings – next mtg 05-22-14 (Supervisor Snook)

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This item not discussed.

2. Social Media and Township communications

Parks & Recreation Board Member Ash Swayne submitted an update (03-26-14) including a summary of findings from other neighboring municipalities.

Upon discussion and from this update memorandum, the BOS requested specific recommendations including indications of the time / cost / Staff resources necessary to implement and administer.

3. EAC Vacancy – term to 12-31-15 / EAC recommendation (02-24-14)

Supervisor Snook has indicated his support for the EAC recommendation.

Chair Pompo requested candidate Brooke Davis attend an upcoming BOS meeting to meet the Supervisors and discuss her interest.

4. Volunteer Appreciation – 06-12-14

The BOS discussed a schedule conflict and the need to consider rescheduling the event.

5. WCACOG – Neighborhood University (September 2014)

This item not discussed.

B. **Public Works** – April Report

1. Public Works Facility Construction – update (contracts, start date, site prep, permits, campus access / use)

PW Foreman Carroll reported that all contracts have been executed and all performance and payment bonds and certificates of insurance (w/ Township named additional insured) have been received. The General Contractor – Uhrig Construction – has commenced securing the construction site with excavation scheduled to commence next week. Uhrig has prepared a preliminary construction schedule (gant chart). Dr. Egan suggested the need to include and track the project critical path. The construction schedule will be updated shortly to include all contractor schedules.

The BOS also requested, from PW Foreman Carroll, a regular electronic weekly briefing with status of the schedule, issues or other decision items. Dr. Egan also indicated the importance to regularly update the construction schedule with revised event dates if / as changes occur.

2. Road Program 2014 – review / award bids

East Bradford Township Bid Opening was held on Monday, March 28, 2014 at 1:00 pm in the township building as specified in the bid documents. Those in attendance were Tenley Adams, Administrative Assistant and John Carroll, Public Works Foreman.

Also in attendance were representatives from John Suches, Steve Macanga, Howard Jones, Joseph Giorgio, Matt Uliasz, and Rich Burke.

<b>Bidders</b>	<b>Bid Bond</b>	<b>Total Bid</b>
<b><u>2014 Road Resurfacing</u></b> (Valley Creek Road and Shenton Road (portion))		
Allan A. Myers Worcester, PA	Yes	\$460,830.00
Charlestown Paving Co. Folcroft, PA	Yes	\$552,075.00
<b>Dan Malloy Paving Inc. Downingtown, PA</b>	<b>Yes</b>	<b>\$387,815.00</b>
Glasgow, Inc. Glenside, PA	Yes	\$456,865.00
S. A. Macanga, Inc. West Chester, PA	Yes	\$461,716.00
Reading Materials, Inc. Pottstown, PA	Yes	\$493,090.00
Reid Paving. Gilbertsville, PA	Yes	\$489,523.00
Jos. E. Sucher & Sons, Inc. Eddystone, PA	Yes	\$498,355.00

**2014 Pavement Marking Bids**

Alpha Space Control Co. Chambersburg, PA	Yes	\$ 12,566.63
<b>Traffic &amp; Safety Signs, Inc. Kennett Square, PA</b>	<b>Yes</b>	<b>\$ 10,535.38</b>

**2014 Bid to Supply Fuel**

<b>Reilly &amp; Sons Inc. Exton, PA</b>	<b>Yes Cashier Check</b>	<b>\$0.15 Diff Price Both gas and diesel</b>
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On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to accept the recommendations of the Public Works Foreman and authorize approval of the following responsible low qualified bids (and as highlighted above in bold print), as follows:

- Dan Malloy Paving, Inc. (Downingtown, PA) – (in-place) pavement resurfacing -- \$387,815.00
- Traffic Safety & Signs, Inc. (Kennett Square, PA) – pavement marking -- \$10,535.38
- Reilly & Sons, Inc. (Exton, PA) – fuel – diesel & gasoline \$0.15 price differential

**C. Planning / Land Developments – April Report**

1. Ciccarone, SD# 606 – update Preliminary Plan (presentation / action 04-08-14)

Twp Engineer Lucas reported the current revision Preliminary Plan is reviewed as satisfactory for consideration of a grant of approval with conditions and waivers described in a draft resolution form for recommended action by the BOS 04-08-14. The Planning Commission recommended Preliminary Plan approval (08-06-13) with various waiver / modifications. Supervisor Snook has indicated he is satisfied with the proposed plan as reviewed to support action by the BOS to approve.

Mr. Lucas, upon inquiry, confirmed that the Applicant will connect all lots to public water during the two phase development with the exception of one existing lot with dwelling that is on a private well.

The BOS requested the draft Resolution be transmitted to the Applicant prior to the meeting for consideration and if acceptable, the BOS indicated it was not necessary for the Applicant to incur the costs of an additional legal / consultant presence / presentation on April 08<sup>th</sup>.

This item will be on the BOS Regular Meeting agenda of 04-08-14.

2. Pennington, SD# 628 – update (presentation / action 04-08-14)

Twp Engineer Lucas reported the Final Plan is reviewed as satisfactory for consideration by the BOS to grant approval. The Planning Commission recommended approval 03-25-14. A list of indicated draft conditions of approval were presented to the BOS. Supervisor Snook has indicated he is satisfied with the proposed plan as reviewed to support action by the BOS to approve.

Vice Chair Egan questioned whether waivers should be granted for sidewalk construction and monument installation. Upon discussion the BOS agreed as a condition of the subject plan approval that both sidewalk and monument installation be required if / when any future development / improvement of the property occurs.

This item will be on the BOS Regular Meeting agenda of 04-08-14.

3. Westtown Township Open Space Plan Update - comment

As required under the Municipalities Planning Code (Act 247), Westtown Township has submitted a draft proposed (December 2013) Update of its 1993 Open Space, Recreation and Environmental Resources Plan to the Township for comment. The Township has until 04-07-14 to submit comment.

Supervisor Snook has indicated “no comment” at this time.

Upon discussion, the BOS offered comment including recommendations to Westtown Township to consider cross connections of trails for future planning efforts between the two municipalities with particular regard to properties currently owned by the Tigue Family and W.C.U., to support the perpetual protection and presentation of the Gordon Environment Center (Preserve) and to continue to pursue preservation of identified historic resources.

4. Comprehensive Plan Update

Asst Mgr Cantlin reported submission of a Chester County Vision Partnership Grant application to the CCPC and the response is pending at this time.

**D. 2014 Code Amendments – April Report**

1. 2014 Code Updates

Twp Staff (Beaumont, Lucas) updated the BOS referring to a 03-25-14 Staff discussion of Amendments (and 'fixes'). Staff plans a comparative review of other municipal riparian buffer ordinances. Vice Chair Egan indicated a need for a regulatory prohibition of the use of fertilizers and pesticides / herbicides in these areas

Twp Engineer Lucas recommended the Township incorporate language for both traffic study requirements and traffic signal installations in the Township Code. The BOS agreed to discuss this item at the Pre-regular mtg work session 04-08-14.

CEO Beaumont referred the BOS to ordinance language related to adoption of minimum standards applicable to emergency communications' systems within structures that has been advanced by the Chester County DES. Upon consultation with the current Township EM Coordinator (Ronayne) and past EM Coordinator (Ruggeri) there is a sense it is not needed in the Township based upon current and anticipated land use and development.

Chair Pompo suggested the CCDES be queried as to whether it deems the ordinance necessary at this time for the Township.

Vice Chair Egan reiterated a concern with the proper disposition and redevelopment of 'big box' stores, i.e., the long vacant Acme store in the Brookworth Shopping Center). Upon discussion it was suggested this matter could be addressed with regulations related to blight. Mr. Beaumont indicated he would research the matter as part of the 2014 Code Update review / preparation.

## 2. WCACOG – wireless facilities management proposal (next WCACOG mtg 04-24-14)

Twp Mgr Lynch referred the BOS to a pending joint proposal (03-13-14) from The Cohen Law Group and Unruh, Turner, Burke & Frees. The scope of services proposes to review existing municipal regulations and prepare an ordinance for each participating WCACOG Member municipality to address the current technology and legal regulatory landscape of wireless facilities. The cost per participating municipality is \$5,000 (provided a minimum of 3 municipalities participate). Mr. Lynch indicated that at least three (3) WCACOG Members are expected to accept the proposal at the next WCACOG meeting (04-24-14).

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to accept the (03-13-14) Proposal to Perform Wireless Facility Management Services including the preparation of Township-specific ordinance amendments for East Bradford Township and authorization of amount not to exceed \$5,000.

## E. **Open Space & Trails** – April Report

## Executive Session

### 1. Trail Blazer Race – update / special event waiver

Asst Mgr Cantlin updated the BOS on the event.

Supervisor Snook has indicated support for the waivers.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to grant a Special Event waiver for (3) events in East Bradford Township, Chester County, at the Paradise Farm Camps site: (Trail Blazer Race 06-19-14; Brew BQ 08-02-14; Hoods in the Woods 10-04-14) this waiver to enable alcohol can be sold by Victory Brewing Company (Downingtown, PA).

### 2. Appraisal Policy Update – new appraiser guidelines

Asst Mgr Cantlin discussed the proposed revision of the Township appraisal policy that reflects recent amendments to the Uniform Standards of Professional Appraisal Practice.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to adopt the amended appraisal policy for the Township as recommended by Asst Twp Mgr Cantlin.

### 3. Brandywine Trail – Rte. 322 crossing (PADOT, grants)

Asst Mgr Cantlin updated the BOS on the matter indicating that options (from / with PADOT) are not clear at this time but that West Bradford Township has indicated an interested to jointly explore options and grant funding opportunities.

Supervisor Snook has indicated support for the coordination effort by Asst Mgr Cantlin.

Upon discussion the BOS agreed for the Township to continue to investigate feasibility / planning opportunities and in consort with West Bradford Township to extend the Brandywine Trail across Rte. 322.

## F. **Engineering** – April Report

### 1 PADOT - update several inquiries / request to

Twp Engineer Lucas reported on the following traffic matters:

- a. Rte. 52 curve – continue to await a response from PADOT 6-0;
- b. Copeland Road guiderail – PADOT likely to install at bend above Kenmara Drive (Corten (brown rusted steel) no longer available);
- c. Birmingham Road drainage condition at Strode’s PS – response from PADOT Chester County Maintenance Dept. pending;
- d. Rte. 162 / Highland Road intersection - continue to await a response from PADOT 6-0;and,
- f. Copeland Road & Frank Road request for 4-way Stop – PADOT 6-0 review /response pending.

## 2. Sunoco Pipeline / ‘Pennsylvania Pipeline’

The BOS discussed a recent notice (03-19-14) from Sunoco Logistics advising of the intent to investigate the possibility of installing a liquid petroleum gas pipeline extending from Harrison County, Ohio through the panhandle of West Virginia, across Pennsylvania and into Delaware. Sunoco Pipeline L.P. plans to undertake civil surveys and studies to evaluate the viability of such infrastructure installation in this area. Referred to as the Mariner East 2 ‘Pennsylvania’ Pipeline Project, a conceptual map was provided by Sunoco Pipeline L.P. showing a portion of the pipeline to be located in western areas of the Township. While in the early stages of feasibility assessment, it has raised a number of issues including regulatory authority of the entity to enter onto private property to conduct surveys and studies. To outreach and educate citizens, the Chester County Planning Commission recently launched a Pipeline Information Center on its web page <http://www.chescopagreen.org/ccpc/Pipeline/PipelineInfo.cfm>.

Mr. Lynch reported receiving an update this date from Sunoco Logistics that the project team has determined additional analysis is necessary for the proposed corridor which has delayed the schedule to commence survey related activity and a further update is indicated for mid to late April. Accordingly Sunoco Pipeline will not be disseminating survey notification letters to landowners within the Township at this time (originally indicated by Sunoco Logistics for early April).

The BOS considered a variety of matters related to this recent notice including:

a. Survey and notice authority / protocol;

b. Existing Township ordinance review;  
See d. below.

c. Engagement of the Township ABC’s;

The BOS agreed the Planning Commission, EAC, Historical Commission and Green Committee should include this matter as an active agenda item.

d. US DOT TAG Grant Model Ordinance;

The BOS agreed the Planning Commission should invite consultant John Gaadt to an upcoming meeting to discuss the grant and model ordinance provisions.

e. Township web page for resident information;

The BOS discussed the need to communicate with residents. Vice Chair Egan suggested a letter and agreed to submit draft language for consideration.

The BOS agreed Twp Staff commence to prepare a dedicated section on the Twp web page to keep residents informed of this proposed development including a link to the CCPC Information Center web page, notice of scheduled meetings throughout the County on the matter, pipeline relevant documents received by the Township on the matter including the map of the location of the proposed pipeline provided by Sonoco Logistics, and the initial draft notice to property owners from Sunoco Pipeline / Logistics re: survey and entrance onto property.

At this time the BOS continues to seek a clear response from Sunoco Pipeline / Logistics as to what legal authority it asserts to enter onto private property of Township residents.

f. Pubic Hearing 04-10-14 (PA Joint Legislative Air & Water Pollution Control & Conservation Committee  
Twp Staff plans to attend.

## G. **Codes & Enforcement** – April Report

### 1. Junk Vehicles Enforcement – update

CEO Beaumont updated the BOS referencing a letter from counsel for both Brandywine Auto Repair

(DiMattia) and West End Swim Club (Spaziani) dated 04-03-14. The letter describes some of the history of the two properties, acknowledges the in-process enforcement actions, and requests an additional 30 days for the property owner at 935 West Miner Street to bring the properties into compliance. CEO Beaumont reported site inspections and meetings during the past week with both property owners and indicated substantial progress has been made and is ongoing on both properties. Mr. Beaumont indicated the 30-day extension (to defer filing a complaint with the District Justice) is reasonable based upon the current status and communication with Mr. Spaziani. Numerous junk vehicles (and tires) have been removed recently from the Brandywine Auto Repair property and the property owner has provided verbal assurances to Mr. Beaumont and through his counsel (Jeffrey Hoyle, Esq.) that within the next 30 days the property will be in compliance (with the Settlement Stipulation).

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to accept the recommendation of the Twp Codes Enforcement Officer and grant a 30-day time extension (defer the filing of a complaint with the District Justice) for the property located at 935 West Miner Street (Spaziani) and such extension to be prepared and transmitted by the Twp Solicitor.

Chair Pompo suggested the State legislators representing the Township be notified of the indicated considerable backlog and delay by PADOT in processing junk vehicle Certificates of Title to determine any more information on the matter which impacts the ability of the Township to enforce its ordinances.

## 2. Strode's Sausage property

This item discussed in Executive Session.

## H. Parks & Recreation Board – April Report

### 1. Brandywine Dog Park – update (procedural)

Supervisor Snook has indicated Township continue focus on the Brandywine Farm site including amendments to the riparian buffer language as necessary sans needs to pursue the Starr Farm site at this time. Supervisors Pompo and Egan agreed.

Asst Mgr Cantlin reported positively on a possible swap of the farming lease from Brandywine Farm to the Skelp Level Open Space.

## I. **Township Staff / Operations / Services** – April Report

## **Executive Session**

### 1. Records Retention – adopt records disposal resolution

Asst Mgr Cantlin prepared the current subject municipal records recommended for disposition on the current resolution.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to adopt a Township Resolution (#10-2014) for the Destruction of Specific Records (indicated in the Resolution) in accordance with the schedule and procedures set forth in the Municipal Records Manual as promulgated by the PA Historical and Museum Commission (PHMC).

### 2. Public Sewer delinquent account collection – Portnoff Law Associates

Twp Mgr Lynch updated the BOS on the proposal and indicated being satisfied with recent clarifications provided by Portnoff Law Associates regarding various questions related to the proposed services agreement.

Supervisor Snook has indicated support to proceed provided there is BOS consensus.

Mr. Lynch indicated the Township is planning to send a preemptive letter to the delinquent account holders if the agreement is approved by the BOS notifying them of the third party collection and as a courtesy to seek account reconciliation of the delinquent balances before submission to the third party after which the Township would be bound by the Agreement.

Chair Pompo directed this item to the BOS Regular Meeting agenda of 04-08-14 for consideration to approve the services proposal.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to authorize advertisement and public notice of a proposed ordinance to amend Chapter 16, Liens and Claims, of the East Bradford Township Code including a schedule of attorney fees (to be added to accounts of delinquent property owners); and, to accept and approve an Agreement for Collection of Delinquent Municipal Claims on Behalf of East Bradford Township.

### 3. On-site Septic Mgt Program – enforcement

Asst Mgr Cantlin updated the BOS indicating that approximately 30 parties have been unresponsive (after three separate written notices).

Supervisor Snook has indicated support for the recommendations by Staff (Asst Mgr Cantlin).

The BOS agreed that the Township should proceed per the ordinance with civil action complaints to the District Justice. However, given the number, Chair Pompo advised Ms. Cantlin to contact the office of the District Justice in advance of filing to provide a brief of the matter and related background of the ordinance (required by the PA DEP). Upon discussion the BOS agreed that the fine, as provided in the ordinance, be set at \$300.

The BOS also agreed that in the event a property owner that is fined by the DJ does not perform the ordained maintenance within 60 days of the fine, then notice be sent to the property owner that the Township will proceed to file a new complaint with increased fines.

### J. **ZHB** – April Report – *Pending applications / decisions / appeals*

1. Pinto – variance (setback & coverage relief) – hearing 03-17-14, 07:00 P.M.; BOS position (03-06-14) neutral

Twp Mgr Lynch reported the hearing has been continued to 04-07-14 due to a technical error in the public notice by the Daily Local News.

### K. **Emergency Services** – April Report

1. WCPD for EBT monthly briefing / report – WCPD Chief Scott Bohn

The BOS acknowledged receipt of the March 2014 Police Incident Report.

### L. **Historical Commission / H.A.R.B.** – April Report

1. HR# 06, CCWA Barn – Selective Demolition / Historical Commission recommendation 04-01-14

Historical Commission Members - Mary Sue Boyle (Chair) and Jean Renshaw – and CEO Beaumont briefed the BOS on the pending application and review / recommendation by the Historical Commission. Supervisor Snook has indicated acceptance of the recommendation with any conditions indicated by the Supervisors.

Refer to the 04-01-14 Minutes of the Historical Commission for more information.

The Children's Country Week Association is seeking approval of a selective demolition permit for HR# 06 – Caleb Mercer Barn (not House) at 1250 Valley Creek Road. The Historical Commission discussed various Code Factors contained in the Zoning Chapter – Section 115-125 C- and described its Findings (refer to above referenced Minutes).

The Historical Commission recommends BOS approval of a selective demolition permit as requested by the Applicant, CCWA, with the following conditions: 1. Cap stone walls as indicated in submitted plan of Applicant; 2. Repoint all remaining stone walls; and, 3. Applicant reasonable effort to complete by 10-01-14.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to accept the (04-01-14) recommendation of the Historical Commission and approve the selective demolition permit application of Children's Country Week Association for HR# 06 – Caleb Mercer Barn (not House) at 1250 Valley Creek Road – with conditions noted above and as contained in the Historical Commission Minutes of 04-01-14.

### **Other Items:**

None discussed at this time.

The meeting ended at approximately 09:12 P.M.

Michael P. Lynch, Township Secretary