

PUBLIC HEARING:

**1. Regulation of Surface Land Uses Affiliated with Transmission Pipelines (Ordinance 04 & 05-2015)
An Ordinance Pursuant to Article VI, Section 609 of the PA Municipalities Planning Code, Amending
Ch. 115 of the Code of Ordinances of East Bradford Township – Zoning Chapter – Providing for the
Regulation of Surface Land Uses Affiliated with Transmission Pipelines and Amending Sec. 115-
52B(3) and 115-52B(4).**

(Ordinance #04-2015)

**An Ordinance Pursuant to Article V, Section 505 of the PA Municipalities Planning Code, Amending
Ch. 95 of the Code of Ordinances of East Bradford Township – Subdivision and Land Development
Chapter – Providing for Plan Submission, Buffer, Setback, Signage and Landscaping Provisions for
New Development Adjacent to Transmission Pipelines.**

(Ordinance #05-2015)

Effective five (5) days from enactment.

The above public hearing was held prior to the Board of Supervisors regular meeting on March 10, 2015 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:

Vincent M. Pompo, Esq.
Thomas A. Egan, Vice Chair
John D. Snook, Supervisor

Not in attendance: All present.

Staff / Professionals in attendance:

Township Manager Michael P. Lynch
Assistant Manager, Amanda M. Cantlin
Public Works Director, John P. Carroll
Township Engineer Mark J. Lucas, P.E.
Township Codes Enforcement Officer, Brenden L. Beaumont

Not in attendance:

Administrative Assistant, Tenley F. Adams
Township Solicitor(s) Ross A. Unruh, Esq./ Anthony Verwey, Esq.

Others in attendance:

Approximately 12 citizen(s)
Mary Sue Boyle, Chair, Township Historical Commission

Board of Supervisors Chair Pompo explained the (2) ordinances would be considered together at this hearing. The purpose of this hearing is to receive public comment and consider adoption of amendments to both the Township Zoning Chapter (Ch. 115) and Subdivision and Land Development Chapter (Ch. 95) regarding Regulation of Surface Land Uses Affiliated with Transmission Pipelines including Providing for Plan Submission, Buffer, Setback, Signage and Landscaping Provisions for New Development Adjacent to Transmission Pipelines.

Board of Supervisors Chair Pompo explained the background and intent of the (2 interrelated) ordinances wherein the zoning amendments define aboveground facilities and provide for location in the Industrial District and existing locations for property owned by East Bradford Township as a Conditional Use and the subdivision amendments provide more specific standards for development including Potential Impact Radius which is a safety zone (scientifically based on pipeline volume and materials content) and related setbacks. Mr. Pompo cited the recent (03-05-15) request of Sonoco Partners, L.P. to the PA Public Utility Commission to withdraw the last 9 of 31 requests for exemptions to local zoning rules related to its Mariner East pipeline project.

The Board convened the public hearing (scheduled for 07:00 P.M.) at approximately 07:00 P.M. Public Notice of this hearing was published in the Daily Local News on February 19 and February 27, 2015. Notice also was posted at the Township Building February 19, 2015. 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.

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

Public comment received:

Mary Sue Boyle, Historical Commission Chair, indicated that the ordinance should address Township Certified Historical District protection status and recommended all Township Historical Districts be certified by the PHMC.

Upon discussion, the BOS agreed the recommendation has merit and the Township should proceed to address the protection of Township Historical Resources in this context (pipeline transmission facilities). The BOS agreed to act to adopt the proposed ordinances this evening and commence a suitable amendment promptly.

On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors authorized Township Staff to prepare an amendment to Section Amend 115-51.4B(3) of the Township Zoning Code to read: "Surface land uses affiliated with transmission pipelines shall be prohibited on a lot containing an Historic Resource." to address the protection of all Township Historical Districts (including Certified) and inclusive of Class I Historic Resources.

Consideration to adopt pending Ordinance 04 & 05-2015:

At this time, Chair Pompo called for a vote. On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted unanimously to adopt Ordinance # 04 & 05-2015 – (2) Ordinances --

Regulation of Surface Land Uses Affiliated with Transmission Pipelines (Ordinance 04 & 05-2015)

An Ordinance Pursuant to Article VI, Section 609 of the PA Municipalities Planning Code, Amending Ch. 115 of the Code of Ordinances of East Bradford Township – Zoning Chapter – Providing for the Regulation of Surface Land Uses Affiliated with Transmission Pipelines and Amending Sec. 115-52B(3) and 115-52B(4).

(Ordinance #04-2015)

and,

An Ordinance Pursuant to Article V, Section 505 of the PA Municipalities Planning Code, Amending Ch. 95 of the Code of Ordinances of East Bradford Township – Subdivision and Land Development Chapter – Providing for Plan Submission, Buffer, Setback, Signage and Landscaping Provisions for New Development Adjacent to Transmission Pipelines.

(Ordinance #05-2015)

The Board of Supervisors closed and concluded the hearing at 07:12 P.M.

The Ordinance shall become effective five (5) days after enactment as by law.

END

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

Public comment received:

None received / offered at this time.

PUBLIC HEARING:

2. Amending Ch. 42 – Alarm Systems

(Ordinance 06-2015)

An Ordinance of the Code of Ordinances of East Bradford Township – Alarm Systems – Providing for the Regulation of Alarm Systems in the Township and with Particular Regard to False Alarms and Related Fines.

(Ordinance #06-2015)

Effective five (5) days from enactment.

The above public hearing was held prior to the Board of Supervisors regular meeting on March 10, 2015 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:

Vincent M. Pompo, Esq.

Thomas A. Egan, Vice Chair

John D. Snook, Supervisor

Not in attendance: All present.

Staff / Professionals in attendance:

Township Manager Michael P. Lynch

Assistant Manager, Amanda M. Cantlin

Public Works Director, John P. Carroll

Township Engineer Mark J. Lucas, P.E.

Township Codes Enforcement Officer, Brenden L. Beaumont

Not in attendance:

Administrative Assistant, Tenley F. Adams

Township Solicitor(s) Ross A. Unruh, Esq./ Anthony Verwey, Esq.

Others in attendance:

Approximately 12 citizen(s)

Board of Supervisors Chair Pompo explained the purpose of this hearing is to receive public comment and consider adoption of amendments to Ch. 42 of the East Bradford Township Code – Alarm Systems.

Board of Supervisors Chair Pompo explained the background and intent of the ordinance.

The proposed ordinance to be known as “Township of East Bradford Automatic Protection Device Ordinance”, replaces existing Ch. 42 – Alarm Systems – in its entirety with updated language, elimination of new and annual registration administration and fees and consent by the owner of such devices to inspection by the Township (but not the authority of the Township to inspect). The updated regulations have been recommended by the West Chester Police Department and the West Chester Fire Department, both of which provide service to the Township. The WCPD services the alarm administration and enforcement for the Township.

Chair Pompo stated it was the consensus of the Supervisors to eliminate the fees, sometimes referred to by residents as a ‘nuisance fee’, for both new installations and annual registration.

The Board convened the public hearing (scheduled for 07:00 P.M.) at approximately 07:14 P.M. Public Notice of this hearing was published in the Daily Local News on January 25, 2015. Notice also was posted at the Township Building January 25, 2015. 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.

Supervisor Snook commented that with the amended regulations, the Township and Borough regulations will be consistent which is beneficial since the WCPD administers and enforces the regulations for both municipalities.

Public comment received:

None received / offered at this time.

Consideration to adopt pending Ordinance 06-2015:

Page 4, Board of Supervisors Minutes, March 10, 2015

At this time, Chair Pompo called for a vote. On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted unanimously to adopt Ordinance # 06-2015 – An Ordinance of the Code of Ordinances of East Bradford Township – Alarm Systems – Providing for the Regulation of Alarm Systems in the Township and with Particular Regard to False Alarms and Related Fines and as amended to be known as “Township of East Bradford Automatic Protection Device Ordinance”.

(Ordinance #06-2015)

At this time Chair Pompo referred to a complementary Resolution to update the Township Fee Schedule to reflect the adoption of Ordinance 06-2015. The amended Township Fee Schedule deletes alarm fees for new installations and annual registration.

On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted unanimously to adopt Township Resolution #08-2015, amending the Township Fee Schedule.

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

The Ordinance shall become effective five (5) days after enactment as by law.

END

The Board of Supervisors closed and concluded the hearing at 07:17 P.M.

Public comment received:

None received / offered at this time.

REGULAR BUSINESS MEETING:

The March 2015 regular monthly meeting of the Board of Supervisors (BOS) of East Bradford Township (Township), Chester County, PA was held on Tuesday, March 10, 2015 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 2015 East Bradford Township public meeting schedule was published in the Daily Local News 12-29-14.*

Supervisors present:

Vincent M. Pompo, Esq., Chair
Dr. Thomas A. Egan, Vice-Chair
John D. Snook, Supervisor

Supervisors not present: All present.

Staff / professionals present:

Township Manager/Secretary-Treasurer Michael P. Lynch
Township Engineer Mark J. Lucas, P.E
Township CEO Brenden L. Beaumont
John P. Carroll, Public Works Director

Not in attendance:

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

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

Mary Sue Boyle, Chair, Township Historical Commission

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

Approximately 12 citizens were in attendance
Refer to below Minutes, Other Business items.
M Baldwin, Township resident

The regular meeting was called to order at approximately 07:18 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.*

Joan Baldwin, Connection Drive – commented and questioned the recent removal of (7) trees along Hillsdale Road by the Township. Ms. Baldwin requested the Township exercise more discretion in the future, and consider engaging an arborist,

Chair Pompo, thanked Ms. Baldwin for the comments indicating he had responded to her last week.

Mr. Pompo stated Twp Staff is reviewing its procedures for vegetation / tree maintenance and management and a report to the BOS is pending (April Work Session).

Mary Sue Boyle, Lenape Road – inquired as to the status of the PADOT response to the traffic condition along Rt. 52 (Lenape Road) at a curve in the vicinity of Edgemill Way.

Vice Chair Egan responded that PADOT has scheduled improvements to paving and signage for Spring 2015 and once installed that the effectiveness of same should be monitored and evaluated before addressing PADOT further at this time (i.e., speed limit reductions, right of way obstructions...).

The location has a history of accidents due to speed of vehicles failing to negotiate the curve at this location on Rt. 52.

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

None scheduled.

MINUTES: The Board of Supervisors, on motion of Mr. Snook and seconded by Dr. Egan, approved the following minutes: 03-05-15 regular work session, 02-10-15 pre-regular mtg work session and 02-10-15 regular meeting.

EXECUTIVE SESSION:

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

During the Regular Work Session 05-05-15 to discuss real estate and personnel matters; all Supervisors were in attendance together with Twp Staff.

TREASURER FINANCIAL REPORT:

A. Monthly Financial Statement – February 2015

The Board of Supervisors, on motion of Mr. Snook and seconded by Dr. Egan, unanimously accepted the February 2015 Financial Reports prepared by the Township Treasurer.

B. 2015 / 2016 Budget

Twp Mgr / Treasurer Lynch reported publication of an article on the Township web page www.eastbradford.org entitled "The 2016 Budget – Funding Challenges [Need] to be Addressed." The extensive article's focus is on funding challenges ahead for the 2016 East Bradford Township Budget and indications for a need to significantly increase tax revenues to address capital funding needs and obligations. Mr. Lynch encouraged Township residents to read the article and offer comment as the Board of Supervisors considers this important matter and undertakes preparation of the 2016 Budget in the months ahead.

At this time the Board of Supervisors has not made any decisions on either a tax increase or the magnitude or method.

ANNOUNCEMENTS: www.eastbradford.org

A. Public Hearings –

1. Regulation of Surface Land Uses Affiliated w/ Transmission Pipelines – 03-10-15, 07:00 P.M.

2. Amending Ch. 42 – Alarm Systems – 03-10-15, 07:00 P.M.

2. Amending Chapter 115 – Zoning (Riparian Buffers) – hearing date pending

3. Amending Chapter 115 – Zoning (Wireless communication facilities) – hearing date pending

4. Amending Chapter 115 – Zoning (Signs – Digital and Outdoor Advertising Billboards) – hearing date pending

B. ZHB – ***No Pending applications / decisions / appeals at this time***

C. Board of Supervisors Meeting Schedule 2015 – (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.

SUBDIVISIONS/LAND DEVELOPMENT:

None this period.

ESCROW RELEASES:

None this period.

OTHER BUSINESS:

A. Approve Bills to Pay Lists for March as appropriated in 2015 Budget

On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted unanimously to approve the Bills to Pay Lists for March 2015 as appropriated in the 2015 Budget, recommended for payment by the Treasurer and signed by at least two members of the Board of Supervisors and/or Township Treasurer.

B. William Penn Tree removal / WCUSC

Members of the West Chester United Soccer Club (WCUSC) and property owner Kevin Delacy were in attendance, upon invitation from the Board of Supervisors (02-18-15), to explain the circumstances surrounding unauthorized removal of a historic sycamore tree (in December 2014) in the right-of-way along S. Creek Road (State road) that was classified as a William Penn Tree according to the Code of East Bradford Township (Ch. 115 – Zoning). The tree was located at the entrance to the WCUSC parking lot and field complex, the property of which is owned by the Delacy Family and leased to the

Chair Pompo welcomed Mr. Delacy and attending members of the West Chester United Soccer Club Board of Directors (including Vice President John Cunningham, Gary Bevilacqua, John DiGuiseppe, William Hoy and Amy Band).

Mr. Pompo proceeded to review the recent history on the matter referring to and reading from the following correspondence:

01-14-15 Letter from Twp Mgr Lynch to WCUSC requesting a response to the tree removal

01-20-15 WCUSC letter of response from Mr. Bevilacqua

01-27-15 Violation Notice from CEO Beaumont to property owner

02-18-15 Invitation from BOS to WCUSC and Mr. Delacy to attend 03-10-15 Board of Supervisors meeting

Mr. Pompo then shared the comments requested by the Board of Supervisors from the various Township ABC's (Advisory Boards and Commissions) including Traffic Committee, Environmental Advisory Council, Green Committee, Parks & Recreation Board, Planning Commission and the BVSBC (Brandywine Valley Scenic Byways Commission). As a whole the comments included indications / recommendations to improve the access on S. Creek Road to/from the soccer complex, plant replacement (compensatory) trees, forego penalties, consideration to educate Township residents about William Penn trees and program inventory / identification.

WCUSC Board Vice President John Cunningham (employee of same law firm as BOS Chair Pompo) introduced the Board Members in attendance, provided an overview of WCUSC and its history (established 1976 as a non-profit 401 c 3) and which currently has approximately 3,000 family members participating in soccer for all ages and skill levels including adult.

Gary Bevilacqua, WCUSC Board Member, addressed the BOS and referenced a 01-20-15 letter to Twp Mgr Lynch explaining his actions on behalf of the WCUSC Board of Directors. Mr. Bevilacqua described procedures he follows to care for the trees and landscape on the property (owned by Kevin Delacy, WCUSC 25 year lease) indicating in his capacity for WCUSC that he does not always contact the property owner to discuss or obtain authorization to perform grounds maintenance / landscape improvements. Mr. Bevilacqua reiterated that he believed his action was warranted as the tree represented a safety risk to WCUSC members and visitors.

Board Member Amy Band, provided anecdotal information about a large limb from the tree that had fallen in the entrance area (October 2014) but fortunately did not cause damage or injury at that time.

Mr. Bevilacqua stated he did not consider contacting the Township despite acknowledging email correspondence to the WCUSC Board that the tree was "dedicated by the Township and protected".

Mr. Bevilacqua stated that he did consult an arborist.

Upon inquiry by Chair Pompo, Mr. Bevilacqua stated he would submit to the Township the arborist report.

Vice Chair Egan also requested a copy of the WCUSC Board Minutes that discussed the matter and whereby the Board Members had knowledge of the tree removal and / or authorized its removal. Dr. Egan emphasized the importance of an organization and its governing body to be making decisions (rather than unilateral actions of one member).

Kevin Delacy stated he was not contacted in advance of the tree removal nor did he authorize the removal of the tree but indicated he has no issue with the action per se and was not aware of the Township regulation and classification of the tree as a "William Penn Tree". He agreed that procedures are important to follow and that mistakes were made but believes they were not intentional and looks for future improved communication and cooperation with the Township and the WCUSC.

Mr. Delacy stated he wished the property to remain in its present condition during his lifetime and that his absolute intention is to be a good steward of the property owned by his family since the 1930's.

Mr. Bevilacqua (personally) stated he felt he took the correct action to eliminate a hazard. Chair Pompo stated he respectfully disagreed pending a review of the arborist report. Mr. Pompo stated the Delacy property and WCUSC fields are very important to the Township (referenced the Township Recreation, Open Space and Environmental resources Plan) and its residents and area residents as an excellent private recreation facility.

Chair Pompo, for the BOS, stated the focus now needs to be on addressing safety concerns and improvements to the entrance.

The BOS, WCUSC and Mr. Delacy agreed that the property owner and soccer club would pursue improvements to the entrance (including removal of the tree stump, consulting with the Township Engineer, obtaining a PADOT HOP if required). There was no time table determined at this time for such improvements. Mr. Delacy stated he would comply with the ordinance requirements for compensatory planting (6 trees of same species with a 4" caliper).

It also was agreed that the Township would support Mr. Delacy and the WCUSC in preparation of a Highway Occupancy Permit to PADOT with technical assistance consultation.

It also was agreed that the Twp Engineer Mr. Lucas and CEO Mr. Beaumont would coordinate a meeting with the WCUSC and property owner, on-site at the WCUSC field complex, to review current Township ordinances and regulations applicable to the property (including floodplain, E&S grading and permits, riparian buffers, vegetation maintenance, Scenic Road regulations, et al).

Vice Chair Egan also recommended the WCUSC Board of Directors prepare some type of memorial from the tree remnants, requested the appointment of a Township Parks & Recreation Board Member to the WCUSC Board of Directors (as an ombudsman) and for the Township to undertake a program to inventory and identify William Penn Trees throughout the Township (also recommend by Historical Commission Chair Mary Sue Boyle).

Chair Pompo, for the Board of Supervisors, thanked Mr. Delacy and the WCUSC Board of Directors for its cooperation with the objective to build on this situation as an opportunity for the future betterment of the community.

C. Township On-site Sewage Management Program – administrative review

Chair Pompo presented a synopsis of a recent administrative review of the Program prepared by the Twp Manager. Mr. Pompo reported the BOS review and discussed the report at its 03-05-15 work session. Overall, the program administration is satisfactory and reasonable.

However, based upon a response from the PADEP indicating written documentation of pumping from a property owner is not mandated by the agency (even though it was included in its model ordinance), the BOS has agreed that Twp Staff, upon completion of the three notice sequence of letters to a property owner without response, the Township will contact the property owner by telephone (or email) and if the property owner states they have pumped the system, that this will be satisfactory and the Township will record the communication in its database. The one exception where this would not apply is in location(s) with a known history of system malfunctions. In this case, the written documentation is still required.

The Township also has been informed that Chester County (Commissioners and Health Department) is considering reinstating its program and requirement for licensed haulers to submit pumping and repair data to the County. The Township will monitor this development which could alter the data collection process and administration by Twp Staff.

Mr. Zdzislaw Kazimierczyk, Sunset Hollow Road, thanked the BOS for its review of his concerns and for the consideration to revise the program administration. On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted unanimously to waive the current penalty fee attached to the property.

Below is a summary of the above referenced On-site Sewage Management Program Review (02-24-15).

Local municipalities have the authority and are directed by the PA Department of Environmental Protection to administer and enforce an on-site sewage management program.

The municipality generally is directed (by PA DEP) to identify the requirements of the sewage management program, the administrative or legal functions necessary to carry out the program, and the penalty provisions for violations of the program requirements.

The following is a summary of the review findings.

A municipality is not specifically required by the PA DEP to obtain a document form of proof of pumping (compliance).

One response scenario by the Township based upon this acknowledgement from PA DEP could be to eliminate completely any requirement of the Township for property owners to submit proof of pumping.

The Township simply could perform community outreach and education through the Township

The elimination of a document form of verification could become counterproductive to the objective of both the Township and the PA DEP (as indicated in the Township Act 537 Plan) in the long term. Since substantial effort and investment has occurred to establish a data base, and recognizing its inherent value, its dissolution might negatively impact the ability of the Township to manage and anticipate potential locations of system failure. Elimination of the data base and its administration and maintenance is not recommended at this time.

A Township requirement for haulers to submit pumping / system data, effectively, on behalf of the customer may be problematic and at least for the interim (until the County makes a decision on whether or not to reinstitute County-wide collection) should be deferred.

The current method and language of the notification letters and its administration (including direct conversation with property owners and customized correspondence) is deemed proper and reasonable and should be continued.

Upon review of other municipal ordinances, the penalty schedule associated with the program for the Township is deemed reasonable. Unless a property owner can provide some form of proof that the notices were not properly delivered, a waiver of such penalty is not justified.

If Chester County reconstitutes the centralized collection of septic system pumping through the CCHD later in 2015 or for 2016, it would suggest a review / revision to the Township program.

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 08:45 P.M.

EXECUTIVE SESSION (at discretion of Chair):

None scheduled at this time.

PUBLIC HEARING:

None scheduled at this time.

Next scheduled Regular Meeting of the Board of Supervisors, Tuesday, April 14, 2015, 07:00 P.M.

Michael P. Lynch
Township Secretary