

**WORK SESSION:**

The Board of Supervisors (BOS) of East Bradford Township (Township), Chester County, PA held a work session March 05, 2015 in the Township Building, 666 Copeland School Road, West Chester, and Chester County, 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 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 Director

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):       None in attendance.

Other Residents / Citizens in attendance:               None in attendance.

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

**EAST BRADFORD TOWNSHIP BOARD OF SUPERVISORS  
Thursday, March 05, 2015, 06:00 P.M. AGENDA**

Last updated 03-02-15 AM mpl  
**FOR PUBLIC DISTRIBUTION**

**Upcoming meeting schedule:**

March 05, 2015, Thursday	06:00 P.M. - BOS regular work session
March 10, 2015; Tuesday	06:00 P.M. - BOS pre-reg work session
March 10, 2015; Tuesday	07:00 P.M. - BOS regular meeting - Public Hearing – Regulation of Surface Land Uses Affiliated w/ Transmission Pipelines - Public Hearing – Ch. 42 Alarms
April 09, 2015, Thursday	06:00 P.M. - BOS regular work session
April 14, 2015; Tuesday	06:00 P.M. - BOS pre-reg work session
April 14, 2015; Tuesday	07:00 P.M. - BOS regular meeting - Public Hearing- pending

**Public Comment:**                       *Discretion of BOS*  
None received / offered at this time.

**Executive Session:**                   *Discretion of BOS -- Real Estate / Legal / Personnel*  
The Board of Supervisors convened an Executive Session during this work session from 07:50 P.M. to 08:04 P.M. to discuss real estate and personnel matters. Two Supervisors were present together with Township Staff.

**Priority / Action Items:**               *None at this time*  
**Presentations Briefings:**       *None scheduled.*

**Discussion / Briefing Items:**

**A. Budget / Finance – March Report**

1. Budget 2015 / 2016

Twp Mgr Lynch reported drafting an article for the Township web site about the 2016 Budget and need for an increase in tax receipts, primarily for capital funding, previously reported during the 2015 Budget process. Mr. Lynch described the article as a comprehensive primer on the topic and inclusive of a sample funding scenario (real estate tax increase). Vice Chair Egan offered suggestions for several revisions.

Mr. Lynch also referred the BOS to the current 2015 Budget with regard to winter maintenance expenditures for salt and anti-skid materials which again are exceeding the budget allowance due to the increased demands from winter storm events.

2. Capital Fund – reserve study planning

Twp Mgr Lynch reported no update at this time.

**B. Planning / Land Developments – March Report**

1. Nastase, SD# 629 – plan review time extension & waiver request letter

Asst Mgr Cantlin referred the BOS to letter from the Applicant engineer (D.L. Howell) requesting waiver / modifications from the subdivision ordinance. The focus of the relief is related to access. The Planning Commission and Twp Engineer recommend (11-25-14) a shared driveway concept (less disturbance and improved sight distance) which would require several waivers and a possible zoning variance. Upon review (02-23-15), ZO Beaumont indicated if the waivers were granted for the shared driveway concept, the need for a zoning variance would be moot.

The BOS acknowledged receipt of a letter (dated 03-05-15) from a contiguous property owner (Rudolph / Calabrian) wherein they are requesting the Township delay granting any waivers or plan approvals until the 'shared' driveway use is clarified.

Twp Engineer Lucas indicated the legality of an existing shared driveway is not clear (currently only based upon a 1933 tax map and assertion of prior owner use of the access as shared).

Vice Chair Egan suggested a (short segment) private road could be an effective solution if the property owners can agree. Twp. Engineer Lucas indicated a simple easement could be effective if the property owners could cooperate. Chair Pompo stated that this situation is not a Township issue and suggested counsel for the Applicant (John Good, Esq.) attempt a cooperative solution with the parties and if this does not occur, the Township should proceed with the plan review / approval but recognize a dispute in the decision.

The plan review time clock expires 03-18-15; the Applicant has submitted a request for a 90-day time extension.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to accept the (02-24-15) recommendation of the Planning Commission for a plan review time extension for SD# 629, Nastase, to 06-16-15.

## 2. West Whiteland Township Comprehensive Plan - Land Use Plan Amendment

*(MPC 45 day municipal comment to 04 06-15)*

West Whiteland Township submitted a notice (02-20-15) and request for comment (per Act 247 MPC) for a Comprehensive Plan Amendment to its Land Use Plan regarding a 50 acre area (southeast quartile of township) and change from Business Park to Low Density Residential.

The BOS agreed the amendment has no impact on the Township and thanked West Whiteland Township for the opportunity to comment and continued success on its Comprehensive Plan Update.

## 3. Comprehensive Plan Update – scope and task force

Asst Mgr Cantlin reported the CCPC currently is reviewing the Scope of Services and that most of the citizens identified for service on the Task Force have responded in the affirmative.

## 4. Comerford, SD# 626 – plan status (current review clock to 04-10-15)

Vice Chair Egan referred to a draft Declaration of Covenants, Conditions and Restrictions in Regard to Conditions of Subdivision for the subject property emphasizing the need for consistency with Township ordinances (zoning and subdivision) and related documents. The BOS discussed aspects of the document with regard to 'triggers' for when certain improvements would be required (i.e., at time of building permits) versus the actual form of the document.

The BOS request ZO Beaumont review the declaration against the existing Township Zoning and Subdivision Codes.

## C. Open Space, Parks & Trails – March Report

### Executive Session (Real Estate)

### 1. Timber Top Farm Trail Easement

Asst Mgr Cantlin referred the BOS to the revised draft easement document and indicated the property owner is satisfied with the language. The easement renewal for the public recreational trail easement on the Timber Top Farm (private property) is for a three (3) year term.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to approve the Amended and Restated Easement Agreement for Public Trail and Restrictive Covenant between East Bradford Township and Jacob Singer (and authorizing the Township Manager to execute the Agreement on behalf of the Township).

## D. Engineering – March Report

### 1. Updating CCPC's Transportation Improvement Inventory (CCPC submit date 04-08-15)

Twp Engineer Lucas referred the BOS to a recent (02-18-15) request from the Chester County Planning Commission. Every two years, the Chester County Planning Commission –with municipal input– updates the Transportation Improvement Inventory, which is a list of needed transportation projects across Chester County. The Transportation Improvement Inventory is an important planning resource for the County coordination with PennDOT, programming the regional Transportation Improvement Program (TIP) – which will begin in late 2015 – and for identifying grant opportunities. The municipal role in updating the Transportation Improvement Inventory is to review existing projects on the existing Inventory and submit additional (new) projects to the Inventory (by April 8, 2015).

Twp Engineer Lucas recommended the Township submit (2) additions to the Chester County TII Update – Ravine Road (engineering \$100K and construction \$1.5M) and Brandywine Trail Parking Area (engineering \$50K and construction \$500K). The BOS agreed.

Upon inquiry, Mr. Lucas indicated that cost estimates included on the TII current list of Township projects are reasonable.

## 2. MS-4 Program Update

Twp Engineer Lucas briefed the BOS from a recent training session regarding the future MS-4 permitting procedure and outcomes of recent case law (between a group of municipalities in Montgomery County and Bucks County vs. the PA DEP). Mr. Lucas prepared a detailed brief for BOS consideration (02-26-15); there are cost and resource implications to the Township for the ongoing and future management of stormwater with particular regard to the requirements for municipal management of TMDL's (Total Maximum Daily Load [for sediments]).

Vice Chair Egan suggested a future need for revenues (tax millage) to provide for this potentially significant unfunded mandated stormwater program implementation and administration.

Twp Engineer Lucas indicated that for 2015 the focus will be on the MS-4 Program to develop an operations manual of procedures and inspection documentation.

## E. Public Works – March Report

### 1. Road Program 2015 – bid results / recommendations (03-10-15 Pre-Reg Mtg WS)

Public Works Director Carroll reported the public bid opening is scheduled for 03-06-15. The bid results will be reviewed with the BOS during the 03-10-15 Pre-reg Mtg Work Session.

### 2. Public Works Facility – Tom Masano, Masano Architect Group

Mr. Masano rescheduled attendance to the 04-09-15 work session.

## F. 2015 Code Amendments – March Report

### 1. Riparian Buffer – status of review (Brandywine Conservancy)

This item deferred to the 03-10-15 Pre-reg Mtg Work Session Agenda.

### 2. Pipelines – PH re scheduled 03-10-15 (Ordinance # 04 and 05 – 2015)

CEO Beaumont reported the ordinance is in proper form and public notice properly advertised (2x 02-19-15 & 02-27-15) for a Public Hearing 03-10-15 (07:00 P.M.)

### 3. Wireless Management – CCPC comment / consideration to authorize advertisement of PN

This item not discussed.

### 4. Alarms Ordinance – PH re scheduled 03-10-15 (Ordinance # 06 – 2015)

The pending ordinance is in proper form and public notice properly advertised (1x 01-25-15) for a Public Hearing 03-10-15 (07:00 P.M.)

Asst Mgr Cantlin presented an amended Township Fee Resolution to reflect the revised schedule of alarm system related fees (administrative fees – new and annual registration have been deleted). The resolution is scheduled for action to adopt by the BOS after the ordinance Public Hearing 03-10-15.

### 5. Signs (billboard / digital) - CCPC comment / consideration to authorize advertisement of Public Notices

This item not discussed.

## G. Codes & Enforcement – March Report

### 1. Codes Enforcement – update

CEO / ZO Beaumont referred the BOS to the 02-26-15 Code Update Report which was discussed by the BOS.

The BOS discussed the status of various properties listed on the report.

2. William Penn Tree removal / WCUSC – ABC comments review /public comment / public discussion scheduled 03-10-15, 07:00 P.M.

Twp Mgr Lynch updated the BOS indicating the property owner and Board Members of the WCUSC have been invited to attend the meeting 03-10-15. The Township ABC's have discussed the matter and submitted comments to the BOS.

The BOS focused on the comments from the recent Traffic Committee meeting (02-19-15) related to suggested improvement by the property owner of the entrance to the WCUSC parking lot and fields complex.

At this time the BOS was briefed on the recent removal of (7) trees along Hillsdale Road. The group of trees was removed due to a history of falling limbs which have caused damage to utility lines and more recently (December 2014) injury and property damage to a motorist. Some of the trees were substantially rotten and all had failing upper story rotten / dead limbs.

This section of Hillsdale Road is not classified as a Township Scenic Road but the location constitutes a 50' right of way fee in ownership of the Township which increases the responsibility and liability on the Township. The BOS agreed the action of Twp Staff was reasonable but suggested in the future that Twp Staff use discretion and consider selectively consulting an arborist.

As the location on Hillsdale Road is not identified as a Scenic Road (which regulation includes replacement planting of removed trees), the BOS discussed (but did not authorize) replacement planting since this section of right of way is owned by the Township.

#### **H. Township Staff / Admin Operations / Services – March Report                      Executive Session (Personnel)**

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

Twp Mgr Lynch prepared an administrative review (02-24-15) of the program in response to recent comments from Township residents and as requested by the BOS.

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 newsletter and web site.

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.

Upon discussion, the BOS agreed the current program administration and enforcement does not require sweeping change but indicated that upon transmittal by the Township of the third notice sans response from the property owner, the Township could employ a direct call procedure to the property owner to determine if system pumping has occurred and without a further need for a confirmation of pumping document unless the location / area has a history of system malfunctions.

The BOS agreed that the current penalty schedule is reasonable.

Twp Staff will monitor any developments / action by the County (CCHD) to reinstate the centralized collection and data base management of on-site system pumping and repair information (which could positively impact upon the Township administrative procedures for the program).

## 2. Records Retention – records disposal resolution (Res.07-2015)

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 (#07-2015) 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).

## 3. Township Sewer (Conveyance) System

The BOS discussed briefly seeking consultant services to perform a valuation analysis of the system; Chair Pompo referenced a potentially qualified consultant and will forward the contact information to the Twp Mgr for inquiry.

### I. **Organization** – March Report

1. ABC's – current vacancies – Green Committee and Historical Commission, BVSBC and Trails  
The BOS acknowledged a candidate inquiry for the Historical Commission vacancy and indicated consideration to fill the vacancy at the 03-10-15 Pre-Reg Mtg Work Session.

Fred Rothman expressed willingness to serve on the Comprehensive Plan (Update) Task Force but would like to step down from appointment on the BVSBC in so doing. The BOS suggested seeking candidates from the list of attendees at a recent Brandywine Battlefield Task Force meeting (January 2015) at the Township.

2. ABC Chair Meeting – *none scheduled at this time (deferred to 1<sup>st</sup> Qt 2015)* This item not discussed.

### J. **ZHB** – March Report – **NO Pending applications / decisions / appeals at this time**

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

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

WCPD Chief Bohn submitted the East Bradford Township February 2015 Monthly Report; there were no comments at this time.

2. Police Services – WCACOG (Regional Police Services) / DCED Study

Twp Mgr Lynch updated the BOS on an inquiry / investigation regarding the feasibility of initiating regional policing services in this area of Chester County. Mr. Lynch met recently with New Garden Twp Police Chief Simpson. A number of municipalities in southern Chester County are engaged in advanced discussions to establish a regional police department (with potentially as many as 7 municipalities).

Chair Pompo referred to an article in the Daily Local News (this day edition) and the excellent progress made by this group of municipalities to accomplish regional police service.

Chair Pompo indicated the BOS should consider how to advance this discussion and engage neighboring municipalities in this area.

**Other Items:** None discussed at this time.

The meeting ended at approximately 08:05 P.M.

Michael P. Lynch, Township Secretary

Next Regular WS: April 09, 2015

Next Ordinance: 04-2015 (last PSATS Intergov Trusts 01-13-15) Next Resolution: 07-2015 (Sewer S-01-15; Open Space OS-02-15)