

WORK SESSION:

The Board of Supervisors (BOS) of East Bradford Township (Township), Chester County, PA held a work session April 07, 2016 in the McCardle Meeting Room of the Township Administration Building, 666 Copeland School Road, West Chester, and Chester County, PA 19380-1822.

Public Notice of the 2016 East Bradford Township public meeting schedule was published in the Daily Local News 01-07-16.

Supervisors present were: Vincent M. Pompo, Esq., Thomas A. Egan, John D. Snook
Supervisors not in attendance: All present

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 / Professionals NOT in attendance:
Township Solicitor - Unruh, Turner, Burke & Frees

Also in attendance Advisory Boards and Commissions (ABC's):
Kathy Bergmann, Chair, Environmental Advisory Council

Other Residents / Citizens in attendance:
None.

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

Upcoming Meeting Schedule:

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|--------------------------|---|
| April 07, 2016, Thursday | 06:00 P.M. - BOS regular work session |
| April 12, 2016; Tuesday | 06:00 P.M. - BOS pre-reg work session |
| April 12, 2016; Tuesday | 07:00 P.M. - BOS regular meeting |
| | - PH – Toll Bros., 07:15 P.M. (# 05) |
| | - PH – Emergency Radio Satellite Signal Booster Ordinance |
| May 05, 2016, Thursday | 06:00 P.M. - BOS regular work session |
| May 10, 2016; Tuesday | 06:00 P.M. - BOS pre-reg work session |
| May 10, 2016; Tuesday | 07:00 P.M. - BOS regular meeting |
| | - PH – Toll Bros., 07:30 P.M. (# 06) |
| | - PH – Timber Harvesting Ordinance |

Public Comment: *Discretion of BOS*
None offered or received 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 08:07 P.M. to 08:20 P.M. to discuss a real estate matter and from 08:45 P.M. to 09:05 P.M. to discuss a personnel matter. All Supervisors were in attendance together with Township Staff at both sessions.

Priority / Action Items: *None at this time*

Presentations Briefings: *None at this time*

Discussion / Briefing Items:

A. Environmental Advisory Council - April Report

1. EAB Project - update –affirmation of project scope / engage graduate student resource / identify support team

EAC Chair Kathy Bergmann was in attendance to update the BOS on this proposed project and obtain BOS input and authorization to proceed.

Chair Bergmann reported the EAC has determined that a WCU Graduate Student (Kendra McMillan) is qualified to perform a cost-effective preliminary survey of selected locations in the Township to quantify the ash tree population. Chair Bergmann indicated that while the Emerald Ash Borer has not been observed yet in Chester County it is expected within the next two years and its impact in other parts of Pennsylvania has been substantial to devastating to ash tree resources. Ms. McMillan will utilize ITree

software and field observations supported by a team of township resident volunteers (to be assembled and coordinated by the EAC) to establish the basis for a strategy to address the potential impact of the EAB in the Township.

The BOS agreed Twp Staff should determine the most effective vehicle to engage the services of Ms. McMillan (intern, consultant, part time employee).

Chair Bergmann also indicated the need to effect a community outreach effort to educate residents of the imminent situation that will enable them to make informed decisions for their own property.

On motion of Mr. Snook, seconded by Mr. Pompo, the Board of Supervisors voted unanimously to accept the recommendation of the Environmental Advisory Council to proceed, within the allotted budget, to undertake a preliminary survey of the ash tree population in the Township in anticipation of a forecast Emerald Ash Borer infestation and for the EAC to coordinate the project and volunteers with available assistance from Twp Staff.

At this time the BOS inquired on recent discussions by the EAC of neonicotinoids. Neonicotinoids are a class of neuro-active insecticides chemically similar to nicotine. The neonicotinoid family includes imidacloprid, the most widely used insecticide in the world. Compared to organophosphate and carbamate insecticides, neonicotinoids reportedly cause less toxicity in birds and mammals than insects but some breakdown products remain toxic. In the late 1990's neonicotinoids came under increasing scrutiny over their environmental impacts. Neonicotinoid use was / is linked in a range of studies to adverse ecological effects, including honey-bee colony collapse disorder (CCD) and loss of birds due to a reduction in insect populations. In 2013, the European Union and a few non EU countries restricted the use of certain neonicotinoids.

Chair Bergmann indicated that neonicotinoids are used in products to pre-treat ash trees from EAB infestation. Members of the EAC have indicated the Township avoid the use of these products and educate Township residents of their potential / indicated environmental impact.

Chair Pompo suggested the EAC investigate whether there may be any low cost / no cost program resources to test water and educate citizens on the use and issues associated with neonicotinoids.

B. Planning / Land Developments – April Report

1. SD# 632, Toll Bros. (Tigue Farm) – review status (*next Conditional Use hearing (#05) 04-12-16, 07:30 PM*)

This item was not discussed at this time.

2. Comprehensive Plan Update

The Task Force met on March 30 to review the final draft. TCA, Township consultant, will be distributing the final document on April 15. A public meeting is scheduled for May 3 before the Planning Commission. Vice Chair Egan indicated a need to incorporate a reference for fiscal impact type analysis in the Plan Update with regard to any recommendation for high density development in particular along the Rt. 322 Corridor and related to the Rt. 322 Corridor Strategy. The current draft suggests residential density development be considered in the range of 6-8 units per acre.

Supervisor Snook suggested language be incorporated in the Plan Update similar to “at such time that a land development proposal is submitted, the Township might consider zoning revisions based upon an assessment of the fiscal impact and viability of such proposal”.

C. Open Space, Parks & Trails – April Report

1. Starr Farm Park Farming Lease – bid review / award

The Township received one bid for the Starr Farm Lease (1 year). The amount is for \$400 / year. The bid was submitted by Hick's Brothers LLC, who currently works the northern portion of Brandywine Farm. Asst Mgr Cantlin recommended accepting the proposal. Twp Staff will be reviewing the leases in 2017 and consider possible amendments for the future.

Chair Pompo expressed the interest (and value) to consider future farm leases that expand the current 'haying' to more robust community supported agriculture.

On motion of Mr. Snook, seconded by Mr. Pompo, the Board of Supervisors voted unanimously to accept the recommendation of Twp Staff and award the bid for a one (1) year Farm Lease Agreement (dated 04-01-16) to Hick's Brothers LLC for the consideration of \$400.

2. Strode Barn property – revised stewardship assessment proposal

Asst Mgr Cantlin reported Natural Lands Trust (NLT) modified the stewardship proposal to incorporate historical resource considerations, i.e., ‘The Barn’. The estimated cost is \$4,855; \$5,000 was budgeted. BOS authorization is needed to proceed with the stewardship assessment.

On motion of Mr. Snook, seconded by Mr. Pompo, the Board of Supervisors voted unanimously to accept the revised stewardship plan proposal from NLT, dated 03-08-16, in the amount of \$4,855.

The Strode’s Barn Task Force continues to meet to refine the vision for the structure (next mtg 04-20-16). The Agreement will be finalized after the scope is agreed upon.

3. Brandywine Creek Greenway / Plum Run Corridor – community gathering / bike ride event planned route

Sheila Fleming continues to advance this effort and would like to coordinate a community educational meeting this Fall to share information about the Plum Run Greenway project with nearby residents. This is still in the very early stages.

The Brandywine Conservancy is coordinating a Bike Ride (09-17-16) in support of the Greenway effort. The ride will trace both branches of Brandywine Creek in a scenic loop. The ride highlights the region’s recreation opportunities, natural and cultural features, and conservation efforts.

As proposed, the ride will impact the following roads/trails in East Bradford Township:

- Creek Rd.
- Route 52
- S. Creek Rd.
- Route 842
- Allerton Rd.
- N. Creek Rd.
- W. Strasburg Rd.
- Downingtown Pike (Route 322)
- E. Branch Brandywine Trail

This information has been distributed to the ABC’s (Traffic, Trails and Parks) for input (none received).

The BOS expressed support for the event with the indication for traffic planning support and coordination to occur with West Chester Police Department.

4. M. John Johnson Nature Center – lease transfer and off-road trail connection

Asst Mgr Cantlin reported the PECO lease transfer documentation has been finalized and requires BOS approval.

The lease agreement document transfers the lease rights and obligations for PECO lands associated with the M John Johnson Nature Center from West Chester Fish, Game & Wildlife Association (originating from 04-01-93) to East Bradford Township and codifies this lease with others between the Township and PECO.

On motion of Mr. Snook, seconded by Mr. Pompo, the Board of Supervisors voted unanimously to authorize approval of a First Amendment to License Agreement with PECO Energy Company (PE 967; 970).

In a related matter, Asst Mgr Cantlin reported a resident along Skelp Level Road has expressed interest in constructing a trail that would enable someone walking on Skelp Level Road to enter the M. John Johnson Nature Center at the top of the hill (to avoid walking along Skelp Level Road).

Four possible alternatives have been identified. The Trails Committee recommends option “i” (as shown in blue on a map exhibit).

- i. Construct a natural surface trail along the contour lines between Skelp Level Road and the paved trail.
- ii. Construct a natural surface trail along the fall line parallel to Skelp Level Road between the road and the parking lot (there would be relatively little erosion risk).
- iii. Consider widening Skelp Level Road to accommodate bikes and pedestrians along the road when the road is repaved (tentatively slated for 2017).
- iv. Construct a trail through a right of way on the east side of Skelp Level road to access Hillside Avenue and Brandywine Avenue.

The BOS, upon discussion, expressed support for the project and for Option "i" as recommended by the Trails Committee. The next step is to share this concept with West Chester Fish, Game and Wildlife Association for comment.

5. 'Wilson' Trail

The BOS discussed the planned project for a pedestrian / bicycle trail connection between Scconnelltown Road and Bradford Avenue and an effective strategy to engage property owners. The BOS agreed a meeting with all property owners should be scheduled later this year.

D. Public Works – April Report

1. 2016 Road Maintenance Program – bid review / award (04-12-16)

East Bradford Township Bid Opening was held on Friday, April 1, 2016 at 1:00 PM in the Township Building as specified in the bid documents. Those in attendance: Melissa Needles, Public Works Administrative Assistant, John P. Carroll, Director of Public Works and Michael Geraghty, Public Works Foreman plus representatives from each of the bidders.

| Road Resurfacing | Bid Bond | Amount |
|--------------------------|------------|---------------------|
| Dan Malloy Paving | Yes | \$245,095.00 |
| DiRocco Brothers | Yes | \$384,009.00 |
| Joseph Sucher & Sons | Yes | \$259,592.75 |
| Innovative Construction | Yes | \$263,635.00 |

| Pavement Markings: | Bid Bond | Amount |
|----------------------------|------------|-----------------|
| Alpha Space Control | Yes | \$16,526 |

| Fuel: | Diff Price |
|------------------------------|------------|
| Superior Plus Energy Service | \$1445 |
| Reilly and Sons | \$1500 |

Public Works Director Carroll reported on the bid results.

In particular, Mr. Carroll recommended Fuel be rebid due to an error in the bid specification.

Mr. Carroll also indicated that for the paving program this year, the Township will be purchasing bituminous materials directly from the supplier (Highway Materials) which will be purchased under the COSTAR Program (through PA Dept of General Services) which negates the need for municipal public bidding.

Mr. Carroll indicated he is coordinating with PADOT 6-0 Municipal Services to process the appropriate Project Approval documentation. Paving is tentatively expected to occur in June and affected residents will be notified.

Note: Above bidders listed in **bold** print are low, qualified bidders.

The Township, per bid spec, maintains control over the actual cost because the bid spec is based upon estimated quantities of material with no minimum requirement.

On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted unanimously to accept the recommendations of the Public Works Director and authorize approval / acceptance of the following responsible low qualified bids (and as highlighted above in bold print), as follows:

- Dan Malloy Paving (Downingtown, PA) – pavement resurfacing -- \$245,095.00
- Alpha Space Control, Inc. (Chambersburg, PA) – pavement marking -- \$16,526.00

On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted unanimously to accept the recommendation of the Public Works Director and reject all bids for Fuel and so authorize rebidding.

2. Bradford Avenue – joint municipal planning / improvements

This item not discussed; no update at this time.

3. PEMA/FEMA Winter Storm Emergency Reimbursement – execute resolution (*Resolution 10 - 2016*)

Pb Wks Director Carroll updated the BOS on the process to seek emergency grant funding reimbursement for the costs incurred by the Township during the January 2016 winter storm ("Jonas").

The Township is seeking a reimbursement from PEMA / FEMA in the approximate amount of \$46,000. To process the forms and documents it is necessary at this stage for the governing body to authorize a Designated Agent (township manager recommend).

On motion of Mr. Snook, seconded by Mr. Pompo, the Board of Supervisors voted unanimously to adopt a PEMA Designation of Agent Resolution (Twp Resolution # 10-2016) to enable the Township Manager to execute the required forms and documents to process the emergency grant for financial assistance precipitated by the January 2016 winter storm ("Jonas").

E. Engineering – April Report

1. Downingtown Pike (829) property (Angle) – sewer issues
This item deferred to the 05-05-16 work session.

2. TMDL Strategy Plan / MS-4 Permit – update

The final TMDL plan has been submitted to PADEP and will be posted on the website pending receipt of additional Appendix (from Carroll Engineering) missing from the original document. There remain unknowns regarding the plan. Carroll Engineers is confident the Township (and Plan) will comply with the reduction requirement of 60.58% after analysis of both completed and (potential) future projects compared with the MS-4 area rather than the urbanized area as indicated in the report. This is a complex analysis and PADEP has prepared a very specific procedure for performing the analysis which will be undertaken in the next update and as indicated in the current TMDL Strategy Plan.

F. Codes & Enforcement – April Report

1. Codes Enforcement – update

CEO / ZO Beaumont referred the BOS to the 04-04-16 Code Enforcement Update Report.

The BOS discussed 1370 Bridge Road indicating that the Township has been patient and timely compliance necessary within the next 30 days as another time extension is not indicated.

The BOS also discussed 803 Brandywine Road which Mr. Beaumont informed is under an agreement of sale which if it is realized may have a positive impact on the condition of the property.

2. Use & Occupancy Certification – concept to ensure building permit compliance / closure

CEO Beaumont requested BOS consideration to enact a use and occupancy certification requirement at the time of real estate transfers in the Township, similar to sewer certifications, to ensure all outstanding permits (zoning and building) are closed. The certification would be limited to closure of any open building permits or zoning enforcement matters and would not involve building code update compliance or property maintenance code regulatory compliance (East Bradford Township has not enacted a property maintenance code.).

Vice Chair Egan indicated the concept seems like a good idea.

Chair Pompo requested other municipalities be surveyed to understand if / how they are requiring a use and occupancy certification at the time of resale. Also, the Township needs to consider how such a regulation will impact the property owner and the time / resource requirement needed by Twp Staff to administer such an ordinance. Chair Pompo stated that if such a regulation is considered it needs to be narrowly defined to avoid unintended consequences.

G. 2016 Codes & Amendments – April Report

1. Timber Harvesting – review revised draft (PH 05-10-16)

CEO Beaumont reported that the proposed ordinance will be resubmitted to the Chester County Planning Commission pending receipt of indicated comments from Supervisor Snook (discussed at the 03-03-16 work session).

This item deferred to the BOS Pre-reg mtg Work Session Agenda 04-12-16.

2. Emergency Communication Systems (Bi-directional Amplifiers / CC DES recommends) – (PH 04-12-16)

CEO Beaumont reported the ordinance has been duly advertised (Daily Local News and online 04-04-16).

H. Township Staff / Admin Operations / Services – April Report

1. Sewer System – AUS (OCS and BEV) – draft final reports

Executive Session

The BOS convened an Executive Session to discuss this Real Estate item.

See Page 1 of these Minutes for additional details.

2. Records Management – Records Disposal (*Resolution 11 - 2016*)

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

On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted unanimously to adopt a Township Resolution (# 11-2016) 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. Staff Transitional Planning – Codes Department recommendation

Executive Session

The BOS convened an Executive Session to discuss this Personnel item.
See Page 1 of these Minutes for additional details.

4. Sewer Agreement (w/ West Chester Borough) Renewal – update

Twp Mgr Lynch reported meeting recently with the Borough Manager. The Borough submitted another time extension (to 06-30-16) to complete the Agreement renewal. Open issues (for the Borough) include sewer reserve capacity and language to ensure the Township is actively monitoring and mitigating system infiltration.

Twp Engineer Lucas reported an assessment is in process to quantify future Township reserve capacity needs.

The BOS indicated the Township is interested to complete the renewal agreement and continue an effective and cooperative relationship with the Borough for this important service to Township residents.

Mr. Lucas also commented briefly with regard to the current application of Toll Bros for a residential land development indicating that the (public) sewer needs and related indicated system planning and engineering is underway and will be presented to the BOS during the Conditional Use hearing process.

5. Refuse & Recycling – A.J. Blosenski – collection letter / EAC review comments

The BOS acknowledged a current effort by A.J. Blosenski to collect refuse and recycling fees from a number of residents, previously not invoiced, discovered during a recent audit and due to an anomaly in the billing process of A.J. Blosenski. Mr. Lynch stated the responsibility for billing and collection is fully with A.J. Blosenski and not the Township.

Twp Mgr Lynch reported the Environmental Advisory Council reviewed (03-28-16) the current refuse and recycling services and offered comment to the BOS including a recommendation to include regular curbside brush disposal / recycling in the scope of services to Township residents. Currently (and during the past 4 years) the Township has an intergovernmental agreement with West Bradford Township to allow East Bradford Township residents use of its brush drop-off recycling facility (Strasburg Road). The current services agreement with A.J. Blosenski expires 12-31-2017 and review by the EAC is an early stage effort in anticipation of the next bidding cycle to provide an effective scope of services to Township residents.

I. **Emergency Services** April Report

1. WCPD for EBT - monthly briefing / report (*current Agreement expires 12-31-2017*)

This item not discussed at this time.

2. Intergovernmental Police Agreement (expires 12-31-17) – request to participate WCPD Strategic Planning Committee

The BOS, after brief discussion of a request from WCPD Chief Scott Bohn to participate in a WCPD Strategic Planning Committee initiative, requested more details regarding the purpose of the Committee and its objectives.

3. Regional Police Services

Twp Mgr Lynch reported recent efforts to schedule the next meeting with a representative from the Governor's Center for Local Government Services (Ron Stern) to advance the discussion of regional policing among interested municipalities

J. **ZHB** – April Report – *Pending applications / decisions / appeals at this time*

1. 803 Brandywine Road (Stump – Equitable Owner) variance relief (hearing date pending) – BOS comment

CEO Beaumont explained the pending application indicating the property consists of 4 non-conforming

(not in single and separate ownership) lots of approximately 3.6 total acres. The Applicant is seeking a variance to create 2 building lots from the acreage. The property is located in the R-2 District (2 acre minimum / 1 acre net).

The BOS questioned the basis of a hardship to justify a variance while at the same time acknowledging that the property (and existing dwelling) is in need of substantial rehabilitation / reclamation.

As the Supervisors did not have the complete application information to review, Chair Pompo requested the ZHB not schedule the hearing until after the next BOS meeting in May.

K. Budget / Finance – April Report

1. Budget 2016 / 2017

Twp Mgr Lynch reported recent submissions to EMMA for continuing disclosure bond compliance (2016 Budget and 2015 Audit) and also to Standard & Poor's.

Mr. Lynch reported no recent (past 30 days) inquiries from Township residents regarding the 2016 Budget and the property tax increase.

Other Items:

None discussed at this time.

The meeting ended at approximately 09:05 P.M.

Michael P. Lynch, Township Secretary

Next Regular WS: May 05, 2016

Next Ordinance: # 02-2016 – Emergency Communication Systems 04-12-16 (last #01-2016 – Intergovernmental Agree SMT / WC)

Next Resolution: # 12-2016 (last # 11–Records Disposition 04-07-16) (Sewer S-01-16; Open Space OS-01-16)