

**WORK SESSION:**

The Board of Supervisors (BOS) of East Bradford Township (Township), Chester County, PA held a work session June 09, 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 (exited 07:50 P.M.)  
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):

None in attendance.

Other Residents / Citizens in attendance:

- John Finnerty and Tom Ciccarone, Jr.
- Russel Stump (re: 803 Brandywine Road) and Brandywine Road residents Mark Skupien and Dan Winkleman

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

**Upcoming Meeting Schedule:**

June 09, 2016, Thursday	06:00 P.M. - BOS regular work session
June 14, 2016; Tuesday	06:00 P.M. - BOS pre-reg work session
June 14, 2016; Tuesday	07:00 P.M. - BOS regular meeting
	. - PH – Toll Bros., 07:15 P.M. (# 07)
	- PH – Timber Harvesting Ordinance
	- PH – Fire Insurance Escrow Ordinance
July 07, 2016, Thursday	06:00 P.M. - BOS regular work session
July 12, 2016; Tuesday	06:00 P.M. - BOS pre-reg work session
July 12, 2016; Tuesday	07:00 P.M. - BOS regular meeting
	. - PH – Toll Bros., 07:15 P.M. (# 08)
	- PH – Comprehensive Plan Update

**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 07:06 P.M. to 07:12 P.M. to discuss a legal 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. Planning / Land Developments – June Report**

1. SD# 606, Ciccarone – Lot 7

Tom Ciccarone, Jr. and John Finnerty addressed the BOS regarding interest in purchase of an existing lot in the Ciccarone subdivision (by Mr. Finnerty) and seeking BOS direction. A site plan and photo illustrations of the proposed dwelling were submitted for reference (prepared by D.L. Howell). The lot of inquiry, a pre-existing approximate 3 acre lot in the subject subdivision (which has been approved by the Township but not recorded), is substantially constrained with environmental resources (steep slopes and riparian). Upon discussion, relief from indicated encroachment into the regulated environmental features would require zoning relief (ZHB).

Mr. Ciccarone also informed the BOS that Aqua PA has notified that it has modified its previous indication of public water availability such that it will not permit connection off of Ginter Lane and through the Ciccarone property. Mr. Ciccarone stated this could substantially alter the decision of the family to proceed with the current subdivision.

Chair Pompo suggested the applicant (Ciccarone) and interested lot buyer (Finnerty) undertake further review of the circumstances affecting their decision(s) of how to proceed and contact the Township Staff for further assistance.

2. SD# 525, Common Open Space (maintenance / use) – policy inquiry from Brandywine Overlook HOA Asst Mgr Cantlin referred the BOS to a request from the Brandywine Overlook HOA to permit property owners to (legally) encroach into common open space under the suggested provisions to ensure consistent care and maintenance.

Upon discussion, the BOS agreed it was amenable to permit the Homeowners Association and association member property owners to access and maintain portions of common open space contiguous to the lots consistent with the Declaration and Open Space Plan for Brandywine Overlook for a two (2) year demonstration period. The BOS further agreed that a caveat to the access and use of the common open space is no structures (permanent or temporary) shall be placed in the open space and that the Township, in consort with the Brandywine Overlook HOA will review and assess the impact of this modification over the next 2 years as to whether the practice should continue or cease.

3. SD# 632, Toll Bros. (Tigue Farm) – review status (*next Conditional Use hearing (#07) 06-14-16, 07:15 PM*)

It was reported that the next hearing(s) will focus on Township testimony for the proposed development.

4. Comprehensive Plan Update – Public Hearing 07-12-16

This item not discussed at this time; it is on schedule for the Public Hearing 07-12-16

#### **B. Open Space, Parks & Trails – June Report**

1. Greene Countrie Township lot disposition – update

Asst Mgr Cantlin engaged the BOS regarding the process to advance the sale of the Township property located in the Greene Countrie community. The Twp Solicitor has reviewed the matter and procedure with Staff.

Upon discussion, the BOS agreed for Staff to proceed with the disposition / sale process in consort with the Twp Solicitor and with the intended auction company Traiman. Pending advice to the contrary (from the Twp Solicitor or Traiman), it was agreed the minimum bid price be set at \$200,000.

The BOS also agreed Staff notify the residents of Greene Countrie (previously engaged and surveyed on the matter in 2014 to which there was consensus for the lot to be sold and developed) that the Township is proceeding with the disposition / sale of the property by auction this year.

2. Rt. 322 Bridge Replacement / Brandywine Trail – draft Trail Maintenance Agreement (PADOT)

Asst Mgr Cantlin updated the BOS on the PADOT bridge replacement project with specific reference to consideration by the Township to enter into a Trail Maintenance Agreement (PADOT form) to address long term responsibilities of the Township if PADOT includes a trail access and parking improvements (access) in the project as has been requested by the Township.

The proposed Agreement has been reviewed by the Twp Solicitor with only minor revisions indicated including clarifying language as construction responsibilities for the trailhead (PADOT) and trail (Township).

The BOS requested Staff make further inquiry on the status of the existing billboard signs (if they are relocated it will require Township permitting).

3. Brandywine Farm (North) – subdivision planning

Asst Mgr Cantlin updated the BOS on the planning process for this proposed Township conservation subdivision.

It was reported that the proposed subdivision plan has been discussed with all contiguous property owners and there are various degrees of interest in various portions of the property.

Upon discussion, the BOS agreed Staff proceed with the Twp Solicitor to develop the appraisal engagement with appropriate disclosures.

4. Trail Blazer Run June 16 – announcement

The event planning is complete, registration is good and sponsor donations have increased from 2015.

The actual run commences at 06:30 PM next Thursday.

**C. Public Works – June Report**

1. 2016 Road Maintenance Program

Public Works Director Carroll updated the BOS indicating the milling and paving operations will commence 06-14-16.

Twp Mgr Lynch requested the BOS adopt a resolution to authorize the Township to resubmit an ARFLE grant application (through PADOT) for pedestrian improvements at Downingtown Pike and the entrance to Bradford Plaza. The grant was not awarded in the 2015 ARLE grant program. The deadline for 2016 grant submissions is 06-30-16. The Township and Borough are cooperating to file a joint application.

On motion of Mr. Snook, seconded by Dr. Egan, the Board of Supervisors voted unanimously to authorize the Twp Mgr to resubmit a joint application with the Borough of West Chester for an Automated Red Light Enforcement Program (ARLE) grant project (D'town Pike & Bradford Plaza pedestrian safety improvements) and to adopt Resolution #12-2016.

2. Speed Alert Radar Message Sign

Twp Mgr Lynch requested BOS consideration to purchase a new speed alert message sign to provide an additional (pole-mounted) device. Due to frequent requests from both residents and the WCPD for speed awareness and monitoring, an additional sign would be beneficial. The cost quotation is in the amount of \$5,800. Mr. Lynch stated that the 2016 Highway Improvement Fund Budget provides funds to accommodate this purchase.

Mr. Carroll discussed the condition of the current inventory of speed monitoring alert sign equipment and the features of this current requested pole-mounted sign.

Vice Chair Egan stated he could support the purchase if it would contribute to more effective speed enforcement by the WCPD including issuance of traffic citations when warranted.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted 2-0 to authorize the purchase of a speed alert message sign from All Traffic Solutions in the amount of \$5,800 (from the Highway Improvement Fund).

**D. Codes & Enforcement – June Report**

1. Codes Enforcement – update

CEO / ZO Beaumont referred the BOS to the 06-02-16 Code Enforcement Update Report.

The BOS discussed the following:

1370 Bridge Road - a hearing date before the Magisterial District Court for the Civil Complaint is scheduled for 07-11-16.

890 Frank Road – the illegal (tree) deck has been removed and the property owner has applied for a permit to construct a deck in compliance with Township regulations.

Deborah's Rock Farm – the property owner is complying with the Enforcement Notice though counsel (John Good, Esq.) and a HARB hearing is scheduled 06-14-16 to review the matter of the improper demolition without permit and proposed new barn construction on the demolition site. The BOS agreed it is appropriate that indicated fines be collected for the failure of the property owner to obtain the required demolition permit and in particular due to the historic resource status of the then existing barn as a Township Class I Historic Resource.

**E. 2016 Codes & Amendments – June Report**

1. Timber Harvesting – CCPC / Planning Commission review comments (*tentative PH 06-14-16*)

The public hearing has been duly advertised (05-24 & 31-16) for next Tuesday evening.

Review comment was received from the Township Planning Commission (05-26-16) and the CCPC 05-16-16.

The BOS discussed the comments and agreed to revise the proposed ordinance with an administrative correction to delete the non-descriptive word "well-stocked" from the language. It was confirmed that "DBH" (diameter at breast height) is specifically defined as 4.5 feet. The BOS agreed that the threshold

of ¼ acre (to require a timber harvesting plan and permit) is reasonable.

2. Fire Insurance Escrow - (*tentative PH 06-14-16*)

The public hearing has been duly advertised (05-31-16) for next Tuesday evening.

3. Transportation Impact Study (TIS) – Central Chester County Bicycle & Pedestrian Plan recommendation

This item not discussed.

4. FEMA – National Flood Insurance Program (NFIP)

CEO Beaumont reported recent consultation and support from the Chester County Water Resources Authority towards timely and effective administration of the indicated regulatory changes from FEMA – National Flood Insurance Program (NFIP).

Chair Pompo directed Staff to effectively determine through mapping and data sources specifically all the properties in the Township potentially affected and that they be notified in advance of the changes and of the potential impact to their property.

5. Recreational and Open Space Land (95-34.1)

Twp Engineer Lucas suggested that the intent of the regulations is clear but language in the regulations likely needs some clarifying revisions. Supervisor Snook suggested Staff review the Pocopson Township regulations on this subject which provides a clear distinction of various types of open space and recreation.

**F. Engineering – June Report**

1. Plum Tree HOA (boulder embankment reconstruction) – encroachment into ROW

Twp Engineer Lucas referred the BOS to recent correspondence to the Plum Tree HOA (05-12-16) regarding permits needed to advance the proposed project. Mr. Lucas indicated the project may encroach into the Township ROW and requested direction from the BOS in the event the plan application proposes an encroachment.

Mr. Lucas stated that the actual encroachment is unknown at this time but could be an additional 1' or more. The existing boulder embankment already encroaches into the Township ROW.

Upon discussion, the BOS agreed that this is a risk management problem and allowing further encroachment is not acceptable. The Township did not issue a permit for the original installation and under the proposed circumstances would not be able to issue a permit for the referenced project.

2. Allerton Road Bridge Scheduled Closure

Chester County has informed (06-03-16) of a necessary bridge closure and related detour for Chester County Bridge 111 (Allerton Road 'iron bridge') to perform "priority maintenance" with a 4 week closure anticipated. The detour is the same detour used when the bridge was closed for repairs in 2014 (Route 842 to South Bridge Road).

The Township was informed 06-06-16 that PADOT has no conflicts with the proposed detour.

Public Works Director Carroll has requested an advanced warning sign be located at the intersection of Lucky Hill Road and Strasburg Road (Allerton Road Bridge Closed – Local Traffic Only) and this request is pending.

The BOS had no comment at this time.

**G. Historical Commission / HARB – June Report**

1. HR # 71 - Deborah's Rock Farm Barn - Taylor-Cope Certified (HARB) District – demolition without HARB review / hearing process

A Cease and Desist Order was transmitted to the property owner (05-16-16).

Refer to Item D. 1. Above for additional information.

**H. Organization –**

1. Community Campus Coalition – consider appointment (April Locke)

Twp Mgr Lynch referred the BOS to an inquiry from a Township resident to serve on the Community Campus Coalition (Mayor Comitta requested a Township representative to serve on this committee which objective is to improve the community / university environment).

The BOS request the applicant attend the next BOS work session to meet and greet the Supervisors

prior to consideration of the appointment.

## 2. Bradford Ad Hoc Joint Committee

Twp Mgr Lynch reported that Borough Council has endorsed the creation of a Bradford Ad Hoc Joint Committee. Borough Manager Cotter has indicated that the Manager, the Borough Public Works Director and at least one Council member will serve on the Committee.

Mr. Lynch suggested the Twp Manager, Pb Wks Director; perhaps a Supervisor and one or two at-large Township appointees serve on the Committee.

Chair Pompo indicated he would consider serving on the committee provided the meetings occurred either early AM or at Noon. Mr. Pompo also indicated the Township should assume the lead in establishing the agenda.

## I. Township Staff / Admin Operations / Services – June Report

### 1. Sewer Agreement (w/ West Chester Borough) Renewal – draft Agreement

Twp Mgr Lynch reported the most current draft Amended and Restated Sewer Capacity Agreement with the Borough indicated revisions were not received as had been expected for discussion this evening.

The BOS agreed that the Township seek an extension to the current Agreement (current extension to 06-30-16) to 12-31-16 to allow adequate time for review and discussion by both parties.

### 2. Records Management – Records Disposal (*Resolution 13 - 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 (# 13-2016) 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. Sewer System

Executive

Session (legal)

The BOS convened an Executive Session to discuss this matter as a legal item.

See Page 1 of these Minutes for additional details.

## J. Emergency Services - June Report

### 1. WCPD for EBT - monthly briefing / report

Receipt of the current report for May (06-02-16) was acknowledged without comment at this time.

### 2. Intergovernmental Police Agreement (expires 12-31-17) –mtg 05-19-16 update

Twp Mgr Lynch reported on the recent 'launch meeting' of the WCPD Strategic Planning Committee.

### 3. Regional Police Services – update from 05-24-16 (w/ Ron Stern from Governor's Center for Local Government Affairs)

Chair Pompo updated the Supervisors on the recent meeting of interested municipalities. It was reported that to date East Goshen Township and West Whiteland Township have executed a Letter of Intent to apply to PA Department of Community and Economic Development (DCED) for a technical assistance grant to study the feasibility of regional police services and consolidation.

Upon discussion, the BOS agreed that the Township should participate in the study.

The feasibility study would address issues at a preliminary level. More technical and specific community / municipal issues (compensation, pensions, staffing, and organization) would not be addressed.

On motion of Dr. Egan, seconded by Mr. Pompo, the Board of Supervisors voted unanimously to execute a Letter of Intent with the Governor's Center for Local Government Services to apply to PA DCED for technical assistance to participate with other interested area municipalities in the preparation of a feasibility study for regional police services.

## K. ZHB – June Report – *Pending applications / decisions / appeals at this time*

### 1. 803 Brandywine Road (Stump Equitable Owner) variance relief - hearing 05-16-16 / Decision pending (by 06-29-16)

The Applicant – Russel Sump – and interested residents from Brandywine Road (Mark Skupien and Dan Winkleman) were in attendance to offer comment to the BOS on the subject application for which the

Decision of the Zoning Hearing Board is pending and due by the end of June.

A letter with signatures from (10) neighboring property owners requesting the Board of Supervisors not to oppose the subject application was presented articulating the concerns of the residents.

Upon discussion, the BOS thanked the residents for expressing their concerns and that the Supervisors would consider the matter further.

2. Chester County Art Association variance relief – hearing date pending – BOS comment

Zoning Officer Beaumont briefed the BOS on the recently received application for zoning relief.

SD# 625, Chester County Art Association, was approved but not recorded to date and the CCAA is intending to either submit a new land development plan or an amended (SD# 625) plan. It was reported that the setback encroachment on the Hillsdale Elementary School side of the property will not be opposed by the WCASD.

Upon discussion, the BOS agreed to assume a neutral position without specific comment to the Zoning Hearing Board.

**L. Budget / Finance – June Report**

1. Budget 2016 / 2017

This item not discussed at this time.

**Other Items:**

1. Ready Chesco (Chester County official source for emergency information and government notifications)

Chair Pompo reported learning that the free service, presently available by a link to Township residents on the Township web site, can be customized to the specific needs of the municipality.

Mr. Pompo requested Staff to look into this available enhanced connectivity to better serve Township residents.

The meeting ended at approximately 08:45 P.M.

Michael P. Lynch, Township Secretary

Next Regular WS: July 07, 2016

Next Ordinance: # 03-2016 (last #02-2016 – Emergency Communications 04-12-16)

Next Resolution: # 14-2016 (last # 13–Records Disposition 06-09-16) (Sewer S-01-16; Open Space OS-01-16)