

East Bradford Township Board of Supervisors Meeting Minutes March 2, 2023

The March meeting of the East Bradford Township Board of Supervisors (BOS) was held on March 2, 2023, at 6:30 p.m. in the East Bradford Township McCardle Meeting Room, 676 Copeland School Road, West Chester, PA 19380. A public notice was published in the Daily Local News on December 23, 2022. The agenda was posted on the Township website and at the Township building on February 27, 2023. Copies of the agenda were available for attendees.

Board members present:

Bruce W. Laverty, Esquire, Chair
John Snook, Vice Chair
J. Patrick Davis, Member

Board members absent: None

Staff/Professionals present:

Andrea Campisi, Director of Planning and Zoning/Zoning Officer
Mandie Cantlin, Township Manager/Secretary
Peggy Lennon, Director of Finance
Mark Lucas, P.E., Township Engineer
Rich Phifer, Property and Recreation Director

Staff/Professionals absent:

Randy Behmke, Director of Public Works

Others in attendance:

Approximately 11 guests were present.

CALL TO ORDER: The meeting was called to order at 6:35 p.m. by Chair Laverty.

PUBLIC COMMENT: Roland Lindsay commented that the January 3, 2023 Board of Supervisors minutes were incorrect when they stated that “BARC had indicated that they would clean out the outfall area into the Darlington Drive pond” (Sagamore/Darlington Drive discussion).

ANNOUNCEMENTS:

1. Tree Planting Events April 2023; more information at <https://www.eastbradford.org/208/Township-Events>
2. Household Hazardous Waste Event – Phoenixville; April 22; register at <https://www.chestercountyswa.org/121/Upcoming-Household-Hazardous-Waste-Event>
3. Trail Blazer Run – Paradise Farm Camps; June 8; 6:30 p.m. start

PUBLIC HEARING – ASA 7-YEAR REVIEW: At approximately 6:40 p.m., Chair Laverty convened a public hearing to consider modification recommendations pertinent to the seven-year review of the Township’s Agricultural Security Area as required by Act 43 of June 30, 1981, P.L. 128, 3 P.S. §§ 901-915 (the State’s Agricultural Security Area Law). The hearing was advertised in the Daily Local News on February 21, 2023.

Mr. Phifer reviewed several modifications that are needed to ensure that the parcels included in the Area are accurate and consistent with the intentions of the law. Modifications are recommended to ten parcels. The modifications have been reviewed and supported by the Township Agricultural Security Area Advisory Committee, the East Bradford Planning Commission, and the Chester County Planning Commission. Mr. Phifer noted that the updated Area will consist of 68 parcels totaling 2,174 acres.

Mr. Davis made a motion to adopt Resolution 09-2023, memorializing the updated Agricultural Security Area. Mr. Laverty seconded the motion. There was no discussion and the motion passed unanimously.

The hearing concluded at 6:46 p.m.

CONSENT AGENDA: Mr. Snook made a motion to approve the consent agenda, consisting of:

1. Minutes from February 2, 2023 6:30 pm
2. Recognition of Executive Sessions:
 - a. February 2, 2023 (real estate acquisition matter)
 - b. February 21, 2023 (personnel)
3. Bills to Pay for March 2023
4. Financial Report for January 2023
5. Records Disposition Resolution: Resolution 10-2023

Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

In light of Mr. Lindsay's public comments about the error in the January 3, 2023 minutes (above), Mr. Snook made a motion to correct the minutes from January 3, 2023. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

BUSINESS:

1. Stroud Preserve Improvements – Oliver Bass was in attendance on behalf of Natural Lands (NL). He shared a plan showing conceptual improvements at the Stroud Preserve. The improvements included features like:
 - a. An automated entry gate
 - b. A boat drop-off area
 - c. A new parking lot with 75 permanent spaces
 - d. A new single span bridge
 - e. A boat launch area

One of the factors driving this project is the existing bridge, which is failing. Another consideration is the increased use the preserve has experienced since the pandemic. Before COVID, Stroud Preserve saw about 150,000 visits per year. During COVID, that use spiked to about 350,000 visits per year. Preserve usage has remained high post-pandemic, averaging at about 300,000 visits per year, and the supporting infrastructure is no longer adequate.

NL expects the project to cost about \$4.5M and they hope to secure most of that with grants, but they are working to raise the remaining funds. To that end, Mr. Oliver welcomed a discussion about Township involvement in the project. Mr. Phifer noted that the Brandywine Trail is slated to traverse through the eastern side of the property, parallel to the Creek. He noted that this was an ideal time to discuss conceptual alignment and use. Mr. Oliver agreed. Ms. Cantlin suggested a follow-up meeting with staff to strategize and clarify next steps.

2. Sagamore/Darlington Drive – Roland Lindsay and Steve Dominic were in attendance on behalf of BARC. Approximately two years ago, the Township was made aware of a situation regarding the siltation of the Darlington Drive pond owned by BARC (the HOA consisting of the homeowners along Darlington Drive). Sediment laden runoff had been deposited into the pond from the Scanneltown Farms and Sagamore developments.

Upon receiving notice of the situation from BARC, Mr. Lucas conducted a formal inspection of both stormwater management basins discharging to the pond and found both in need of maintenance. Specifically, the Scanneltown Farms stormwater basin was in need of substantial sediment removal, redressing of outfall stone, and other related items. The Sagamore stormwater basin was in need of some general minor maintenance, but the eroded channel was in need of substantial regrading and stabilization. While some time was required for the HOAs to organize and complete the maintenance activities, both responded in a satisfactory manner and completed the necessary repairs.

However, in the case of the Sagamore basin, excessive sediments continued to discharge from their outfall into the Darlington Drive pond from ensuing rainfalls. Upon further video inspection of the stormwater piping on the Sagamore property, the bottoms of four corrugated metal pipes were discovered to be completely deteriorated, with the underlying soils eroding under the pipes. This was likely the source of the additional sediments entering the Darlington Drive pond. Upon discovering this, Sagamore completed repairs of the piping via direct replacement and cast in place pipe lining methods.

BARC is seeking help from the Township (via an enforcement type action) to require the sediment to be removed from the outfall area that they believe came from the Sagamore piping as a result of the piping deficiencies. In January, Mr. Lucas presented a few enforcement options and recommended that the Township obtain an opinion from the Solicitor before taking any action. The Board agreed.

Mr. Lucas met with the solicitor this week. Based on HOA/development documentation and case law, the solicitor advised that the Township's enforcement powers are limited to the easement area between Sagamore and the outfall. That is the limit of Sagamore's responsibility. BARC is responsible for cleaning out the pond area. Mr. Lucas conveyed this to both parties in advance of the meeting. Sagamore responded that they already have a contract for this work and expect to have it complete by June. Mr. Lindsay and Mr. Dominic were not pleased with this response.

3. Zoning Code Update Project – Due to the similarities in the two districts, the County proposed to consolidate the existing C-1 and C-2 commercial districts into one district. However, after discussion with the Planning Commission on February 28, parties agreed that there were several benefits to the three districts. Mr. Snook noted that it would make sense to look at the nuances of the C-3 district, which is unique from a historic resource standpoint. In addition, the County performed an analysis of the development opportunities in the R-4 residential district to determine the likelihood of twins being constructed, but this was not discussed in February due to limited time.
4. 991 Fox Chase Drive – The property owner is seeking a variance from the Zoning Ordinance and any and all relief necessary to allow the existing 9 foot x 48 foot open-air wood shed. The structure already exists; it was constructed without a permit. The variance requested would allow the shed to remain 12 inches off the side property line where a setback of 30 feet is required and remain 16 feet off the rear property line where a setback of 48 feet is required. Given how close the structure is to the property line, Mr. Davis made a motion to oppose the application. Mr. Laverty seconded the motion. There was no discussion and the motion passed unanimously. The hearing is scheduled for March 20, 2023.
5. Sunset Hollow Road Stabilization – This item was not discussed.
6. ARLE Project – This project, which is a joint project between West Chester Borough and East Bradford Township, was bid last summer. The low bid (Albert G. Cipolloni Jr & Sons, Inc.) was for \$62,954.75. Work commenced last fall. Soon after work started, PennDOT stopped work because the municipalities needed an additional review/approval from the Department. (The project was originally approved through the PennDOT Traffic Signals group. Since that approval, PennDOT's process changed. Now, PennDOT requires a highway occupancy permit when ramp work is involved.) So, the municipalities stopped work and went through that additional process. During this subsequent review, PennDOT required some additional work that was not part of the original bid. The project engineer (Pennoni) met with the contractor in January to review the changes. The contractor responded with a change order in the amount of approximately \$58,890, which is nearly twice the amount of the original bid for the entire project. The municipalities are discussing options.
7. Trail Blazer Run Proceeds – Mr. Phifer asked the Supervisors to consider adopting a resolution to dedicate the proceeds from the 2023 Trail Blazer Run to the construction of the Plum Run Trail and Strode's Barn Outdoor Heritage Center. While a resolution is not required, this documentation will be helpful to securing grant funding from other agencies. The Trails Committee expressed support of this commitment when they met last month. Mr. Davis made a motion to adopt Resolution 11-2023 to dedicate the proceeds from the 2023 Trail Blazer Run to the construction of the Plum Run Trail and Strode's Barn Outdoor Heritage Center. Mr. Laverty seconded the motion. There was no discussion and the motion passed unanimously.
8. Plum Run Trail – Mr. Phifer asked the Board to consider two resolutions that are needed for grant submissions for the Plum Run Trail project. Mr. Davis made a motion to adopt Resolutions 12-2023 and 13-2023 for State and federal grant submissions. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
9. Electric Procurement Contract – The two-year term the Township had with ePex to procure energy expires in March 2023. The 2021-2023 agreement had the Township paying about \$0.05/kWh for 100% renewable energy. These prices were secured in 2021, at the floor of the market. Since then, the market is generally higher than it was, and costs associated with power delivery and renewable energy (regardless of whether one purchases 100% renewable power) have also increased. Initial cost estimates indicated that another two-year contract for 100% renewable power would equate to a \$0.03/kWh increase (from \$0.05/kWh to \$0.08/kWh), or

about \$2500/year. This is still under the prevailing rate that PECO would charge for non-renewable power (\$0.09/kWh). During the bid process, the Township was able to secure 100% renewable energy for \$0.07295/kWh, which is lower than the original estimate. Given the pending expiration, Ms. Cantlin executed the agreement on February 24, 2023. Mr. Snook made a motion to ratify approval of the Sales Agreement with SmartestEnergy in the amount of \$0.07295/kWh of 100% renewable energy. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

10. E&S Inspection Services – Currently, Rich Hicks provides E&S inspection services. However, when he is away for periods of time, covering this service can be challenging. To provide support, the staff is recommending engaging AI Wright with ALW Consulting, LLC at \$80/hour. Mr. Snook made a motion to appoint ALW Consulting at \$80/hour to provide supplemental E&S inspection services. Mr. Davis seconded the motion for discussion. During discussion, Mr. Davis challenged the value of having two part-time consultants for E&S inspections. Mr. Lucas and Ms. Cantlin noted that this is a difficult service to provide in an efficient manner and at a reasonable cost (since these costs are typically passed through to the residents). The Township will review this service this fall in advance of the 2024 organization meeting. There was no further discussion and the motion passed unanimously.

ITEMS NOT ON THE AGENDA:

1. Cabling – Mr. Davis made a motion to add this item to the agenda on the basis that the matter arose within 24 hours of the meeting. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously. Ms. Cantlin asked the Board to consider updating the IT cabling in the administration building while other updates are taking place. The cost would be \$4,500. Mr. Davis made a motion to authorize the cabling work for \$4,500. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
2. Single Use Plastics – There was also discussion about the single-use plastic regulations that were advanced this week by the EAC. No action was taken.

PUBLIC COMMENT: Brett Williams inquired about home-based business regulations and the differences between no-impact and major home occupations.

NEXT MEETINGS: Given the lack of agenda items, the tentative meeting scheduled for March 9, 2023 is canceled. The next meeting of the Board of Supervisors is scheduled for April 6, 2023 at 6:30 p.m. (regular meeting).

EXECUTIVE SESSION: The Board met with staff in executive session from 8:10 p.m. to 8:45 p.m. to discuss a code enforcement action on Fairview Avenue and a personnel matter.

ADJOURNMENT / CONTINUANCE: At approximately 8:45 p.m., Mr. Snook made a motion to adjourn the meeting. There was no discussion and the motion passed unanimously.

Mandie Cantlin
Secretary