

East Bradford Township Board of Supervisors Organization Meeting Minutes January 3, 2023

The East Bradford Township Board of Supervisors (BOS) held the annual organization meeting at 6:30 p.m. on January 3, 2023. The meeting was held 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 December 22, 2022. Copies of the agenda were available for attendees.

Board members present:

J. Patrick Davis
Bruce W. Laverty
John Snook

Board members absent: None

Staff/Professionals present:

Andrea Campisi, Director of Planning and Zoning/Zoning Officer
Mandie Cantlin, Township Manager/ Secretary
Mark Lucas, P.E., Township Engineer

Staff/Professionals absent:

Randy Behmke, Director of Public Works
Peggy Lennon, Director of Finance
Rich Phifer, Property and Recreation Director

Others in attendance:

One guest was present

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

PUBLIC COMMENT: None.

ORGANIZATION

1. **RECOGNIZE NEWLY ELECTED OFFICIALS / OATH OF OFFICE** – There were no newly elected officials for 2023.
 - a. Board of Supervisors – N/A (Pat Davis has the next term that expires on December 31, 2023)
 - b. Board of Auditors – N/A (Kathy Davis has the next term that expires on December 31, 2023)
 - c. Tax Collector – N/A (Scott Riedinger's term expires December 31, 2025)
 - d. Township Constable (Non-certified) – N/A (Eric Ruggeri's term expires December 31, 2027)

2. **ORGANIZE BOARD OF SUPERVISORS**
 - a. **Temporary Chair.** Mr. Davis made a motion to appoint Mandie Cantlin as Temporary Chair for the purpose of taking nominations for Chair. Mr. Laverty seconded the motion. There was no discussion and no public comment and the motion passed unanimously.
 - b. **Chair.** Ms. Cantlin asked for nominations for Chair. Mr. Snook made a motion to appoint Bruce Laverty as Chair. Mr. Davis seconded the motion. There was no discussion and no public comment and the motion passed unanimously.
 - c. **Vice Chair.** Mr. Laverty made a motion to appoint John Snook as Vice Chair. Mr. Davis seconded the motion. There was no discussion and no public comment and the motion passed unanimously.

3. APPOINT TOWNSHIP OFFICIALS – Mr. Davis made a motion to appoint/reappoint the following officials for one-year terms:

- a. Randy Behmke as **Public Works Director**
- b. Andrea Campisi as **Director of Planning and Zoning / Zoning Officer**
- c. Mandie Cantlin as **Township Manager / Secretary / Open Records Officer**
- d. Peggy Lennon as **Director of Finance / Township Treasurer / Bond Compliance Officer**
- e. Mark Lucas as **Township Engineer**
- f. Melissa Needles as **Permit Coordinator / Deputy Zoning Officer**
- g. Terry McCue as **Codes Enforcement Officer**
- h. Rich Phifer as **Director of Property and Recreation**
- i. Chester County (Office of the Treasurer) and Peggy Lennon as **Township Deputy Tax Collectors**
- j. Peggy Lennon as **Tax Collection District Committee Delegate** and Mandie Cantlin as **Alternate**

Mr. Lavery seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

4. AUTHORIZE BOND LIMITS – Mr. Davis made a motion to maintain and set the Township Manager Bond at \$100,000 for 2023 and to set the Treasurer Bond in the amount of \$9,000,000 for 2023, consistent with Article VII, Section 702 of the Second Class Township Code. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

5. APPOINT PROFESSIONAL CONSULTANTS – Mr. Davis made a motion to reappoint the following professional consultants:

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| a. Independent Auditor | Mingis, Gutowski & Company | Fixed at \$10,000/year for 2021, 2022, and 2023 |
| b. General Engineering Support / Wastewater Engineering / Lighting | Carroll Engineering | \$46-165/hour (5% increase) |
| c. Traffic Engineering | Gilmore & Associates | \$85-\$180/hour (6% increase) |
| d. Sewer System Preventive Maintenance and Repair | KBX Golden | \$411.81/month (8% increase) |
| e. Landscape Design / Land Planning | Thomas Comitta Associates | \$80-\$180/hour (no increase) |
| f. Environmental Planning | Habitat by Design | \$55-\$210/hour (no increase) |
| g. Building Codes Official / Building Inspection / Codes Enforcement Support | Keystone Municipal Services, Inc. | \$67/hour (no increase) |
| h. Fire Marshal / Stormwater and Erosion and Sediment Pollution Control Inspection Services | Richard Hicks | \$75/hour (no increase) |
| i. Sewer System Preventive Maintenance and Repair (East Bradford Park) | KBX Golden | \$411.81/month (8% increase) |
| j. Township Legal Counsel | Unruh Turner Burke & Frees | \$115-\$230/hour (13% increase) |
| k. Planning Commission Special Counsel | Gibbel Kraybill & Hess LLP | \$200/hour (no increase) |

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| l. Zoning Hearing Board Counsel | Buckley, Brion, McGuire, & Morris LLP | \$95-\$215/hour (12% increase) |
| m. Special Counsel | Siana Law | \$226/hour (new) |

Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

6. APPOINT BOARD AND COMMISSION MEMBERS

Mr. Davis made a motion to appoint/reappoint the following volunteers as noted below:

- a. **Agriculture Security Area Advisory Committee** (one-year terms). Reappoint Joseph Armstrong, Mark Bedwell, Bea Duffy, Betsey Mehl, and John Snook.
- b. **Brandywine Valley Scenic Byway Commission** (one-year terms). Reappoint Jim Haigney and Rich Phifer.
- c. **Community (WCU) Campus Coalition** (one-year term). Reappoint April Locke.
- d. **Emergency Management Coordinator** (one-year term). Reappoint William Ronayne.
- e. **Environmental Advisory Council** (three-year terms). Reappoint Kathy Bergmann and Ed McConnell.
- f. **Historical Architectural Review Board** (five-year terms). Reappoint Stewart Gross.
- g. **Historical Commission** (five-year terms). Reappoint Ann Armstrong. There is one vacancy. Linda Thomas was slated for appointment but will now not be able to commit to the meetings. Staff will revisit others who have expressed interest in this group.
- h. **Parks & Recreation Board** (five-year terms). Reappoint Marianne Bausinger. There are two remaining vacancies. The Board can consider whether it wants to remain at seven members or add members to return to nine.
- i. **Planning Commission** (four-year terms). Reappoint Kathryn Deaville, Ash Swayne, and Zach Barner.
- j. **Traffic Committee** (one-year terms). Reappoint Ken Cavanaugh, Andrew DeFonzo, Charles Myhre, Jr., Ed Nathan, Laura Pitt, Michele Porco (West Chester Area School District Transportation Manager), and the West Chester Police Department (representative).
- k. **Trails Committee** (one-year terms). Reappoint Linda Barchet, Maria Kenny, Betsey Mehl, Andrew Schaum, Jane Scriptunas, Jacob Singer, Rebecca Smith, John Spangler, and Jim Wakefield.
- l. **Vacancy Board** (one-year term). Reappoint Thomas Egan.
- m. **West Chester Area Council of Government** (one-year terms). Reappoint Bruce Laverty (with other Board members filling in as needed).
- n. **Zoning Hearing Board** (three-year terms). Appoint Dan Bush as a regular member and Al Gollatz as an alternate.

Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

The Board noted the existence of the **Art Scholarship Committee**, which consists of Kathryn Deaville, Barbie Johnson, and Terri Morse. There is no term associated with this membership.

7. BOS LIAISON ASSIGNMENTS – Mr. Snook made a motion to recognize the following liaison roles for 2023:

- a. Planning Commission – John Snook
- b. Historical Commission – Patrick Davis
- c. Environmental Advisory Council – Bruce Laverty
- d. Parks and Recreation Board – Patrick Davis
- e. Trails Committee – John Snook
- f. Traffic Committee – Bruce Laverty
- g. Zoning Hearing Board – Bruce Laverty

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

8. **RATIFY DEPOSITORIES FOR TOWNSHIP FUNDS** – Mr. Davis made a motion to continue to use BB&T/Truist, Malvern Bank, and PLGIT (Pennsylvania Local Government Investment Trust) for banking and investment. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
9. **AFFIRM MONTHLY BOARD OF SUPERVISORS MEETINGS** – Ms. Cantlin confirmed the Board meeting schedule for 2023:
 - a. 1st Thursday at 6:30 p.m. – Regular meeting
 - b. 2nd Thursday at 6:30 p.m. – Supplemental work session (if needed)
10. **NEWSPAPER(S) TO PUBLISH LEGAL NOTICES** – Mr. Davis made a motion to continue to use the Daily Local News (or other area newspapers deemed to be of acceptable local distribution, at the discretion of the Township Secretary) for publication of advertisements and other public notices for 2023. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
11. **CONFIRM STAFF HOLIDAYS** – The Board confirmed the following holidays for 2023. Typically, the Township observes both Christmas Eve and Christmas Day. Due to the way the calendar days fall (with Christmas Eve on Sunday), the Board referred to both days as the “Christmas Holiday” to reduce confusion.
 - a. New Years Day (Observed January 2, 2023)
 - b. Martin Luther King Day (January 16, 2023)
 - c. Presidents Day (February 20, 2023)
 - d. Good Friday (April 7, 2023)
 - e. Memorial Day (May 29, 2023)
 - f. Independence Day (July 4, 2023)
 - g. Labor Day (September 4, 2023)
 - h. Thanksgiving Day (November 23, 2023)
 - i. Thanksgiving Friday (November 24, 2023)
 - j. Christmas Holiday (December 25, 2023)
 - k. Christmas Holiday (December 26, 2023)
 - l. New Year’s Day (January 1, 2024)
12. **CERTIFY DELEGATES TO THE PSATS ANNUAL CONVENTION** – Mr. Davis made a motion to certify John Snook and Bruce Laverty as Township delegates to the 2023 PSATS Convention. Mr. Laverty seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
13. **RESOLUTIONS** – Mr. Davis made a motion to adopt the following resolutions:
 - a. Resolution 01-2023, which readopts the Emergency Management Plan for 2023 (no changes).
 - b. Resolution 02-2023, which describes the emergency service providers and first response boundaries for the Township in 2023.
 - c. Resolution 03-2023 to ensure compliance with Act 247, The Municipalities Planning Code, which indicates that Zoning Hearing Board members are to be appointed by the governing body by resolution.

Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously. The Fee Schedule will be considered at the next meeting.

BUSINESS:

1. Minutes from December 13, 2022 – Mr. Davis made a motion to approve the minutes from December 13 as presented. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
2. Recognition of Executive Sessions – Ms. Cantlin announced the executive session that took place on December 13, 2022 for the purpose of discussing litigation and personnel matters.
3. Bills to Pay and Financial Report for January 2023 – Mr. Davis made a motion to approve the bills to pay for January 2023. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

4. Marshall Conditional Use – The current time clock will expire on January 31, 2023. The Township is in receipt of communication from the applicant to grant a six-month extension of time until July 31, 2023 to hold a hearing. Mr. Davis made a motion to accept the time extension request. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
5. Sagamore/Darlington Drive – 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 Sconnelltown 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 Sconnelltown 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 HOA's 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 pipelines were discovered to be completely deteriorated with the underlying soils eroded under the pipes and 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 had indicated that they would clean out the outfall area into the Darlington Drive pond. Now however, their position has changed, and they are 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. 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.

6. 240 Lucky Hill Road Zoning Hearing Board Application – The Township is in receipt of a Zoning Hearing Board application for an addition at this property. Property owner Jean Renshaw was in attendance. The property owner is seeking relief from Section 115-96B to allow the proposed addition to be greater than 25% of the existing footprint of the home. The owner also requests a special exception from Section 115-86.1 to reside in a recreational vehicle on the property while the addition is under construction. Mr. Davis made a motion to support the application. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
7. 919 Lenape Road Zoning Hearing Board Application – For some time an appeal has been pending with regard to this property. The applicant is appealing a Notice of Violation issued by the Township for a bridge that was constructed in the floodplain without the proper permit. In the alternative, the applicant seeks the necessary variances from the East Bradford Township Zoning Ordinance to allow the bridge to remain. After discussion, Mr. Davis made a motion to oppose the appeal (but remain neutral with regard to variances). Mr. Lavery seconded the motion and Mr. Snook opposed. There was no further discussion and no public comment. The motion passed with two in favor and one opposed.
8. 515 Highland Road (HR #113) – The property owner attended the December Historical Commission (HC) meeting and reviewed the proposed installation of solar panels on the front facing portion of the roof of the house as well as on the roof of the detached garage. After discussion, the HC recommend approval of the placement of the solar panels on the detached garage as proposed and recommended approval of the placement of solar panels on the rear addition of the home provided it would not incur any additional expense for the homeowner over the proposed placement on the front portion of the roof. Should the placement on the rear addition cost more, then the applicant should be allowed to proceed with the proposal as submitted. Mr. Davis made a motion to follow the process recommended by the Historical Commission. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

9. 1001 Skelp Level Road (HR 36) – Jack Latta, the new owner of the Starr Farm farmstead, attended the December HC meeting to discuss the emergency repair/replacement of the roofs on the main house and barn. He is proposing to replace the entire roof on the house with a standing seam metal roof and he presented a specification sheet of the proposed roof which would be colonial red. With regard to the barn, he explained that it has a combination of standing seam metal and cedar shingles. His proposal is to replace the cedar shingles with new cedar shingles and replace the existing deteriorated metal roof with the same metal roof as the house. The Commission was agreeable to the proposal and recommended approval. Mr. Snook made a motion to approve the roofing work as recommended by the HC. Mr. Laverty seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
10. Chester County Code Update Project – Ms. Campisi discussed two aspects of the update project. During the last meeting with the Planning Commission, there was discussion about accessory dwelling units (ADU). The general consensus was that ADUs could be accommodated within primary dwellings, but that ADUs in standalone structures might be problematic. After discussion, the Board was generally open to the possibility of ADUs, both within existing structures and as standalone structures, but they agreed strict parameters are needed to prevent abuse. There was also discussion about lot width requirements, particularly in R-1 and R-2 zones. The Board agreed this was an issue worth investigating.
11. Strasburg/Highland Intersection – When the Township commenced this effort to resolve a sight distance issue back in 2020, the Township was willing to design and install new vegetation to resolve the issue. The estimated cost was about \$2,000. There had also been discussion about the Township contributing towards a different solution (e.g., fencing). The thinking behind the Township’s willingness to contribute funding was that it would be cheaper and quicker to work with the property owner collaboratively than pursue compliance through the enforcement process. However, the homeowner ultimately did not agree to the Township’s solution, which resulted in a two-year delay and enforcement proceedings. The issue was only recently resolved before going to court and the property owner is seeking reimbursement for costs associated with the shrub trimming and moving (based on earlier correspondence). Given that the Township has had to incur costs for enforcement (in excess of \$3,000), last month the Board agreed to meet the owner halfway and contribute \$1,000. Ms. Cantlin conveyed the Board’s decision to the property owner on December 14 and they were not accepting of the offer; they asked that the Township reimburse them the full \$2,000. Ms. Cantlin invited the property owner to attend this meeting, but no one was in attendance. The Board did not change its position and indicated that their offer to reimburse \$1,000 would stand until the next meeting at which point it would be off the table.
12. Darlington Ridge – Toll Brothers is reviewing the proposed amendment. The Board deferred any action until Toll has completed its review.
13. Township Traffic Signal Maintenance Agreement – Gilmore and Associates has been assisting their municipal clients in obtaining the necessary documentation to prepare and execute PennDOT’s Traffic Signal Maintenance Agreement (TSMA), which is now required by PennDOT in order to install or update any traffic signal within the municipality. This agreement is meant to streamline the signal review process and is good for any future updates/modifications to traffic signals within the Township. In order to accomplish this, a resolution identifying the Township Manager as the authorized representative needs to be adopted. Mr. Snook made a motion to adopt Resolution 04-2023 authorizing the Township Manager to execute the TSMA. Mr. Davis seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

ITEMS NOT ON THE AGENDA: Mr. Davis made a motion to add the Sunset Hollow Road basin and PSATS Youth Award Contest matters to the agenda on the basis that they arose within 24 hours of the meeting. Mr. Snook seconded the motion. There was no discussion and no public comment and the motion passed unanimously.

1. Sunset Hollow Road Basin – Mr. Lucas noted that the County approved a grant award of \$129,000 (50%) for this project. Mr. Lucas met with the property owners last week and they are on board with granting the permission required to advance the project. He asked for the Board’s permission to obtain a proposal from Aaron Clauser to advance the design work. The Board agreed.
2. PSATS Youth Awards Contest – The Township is in receipt of an application from Cub Scouts Pack 86 for volunteer work they did at Mt. Bradford Preserve. The application must be signed by the Chair of the Board of Supervisors. Mr. Snook made a motion to authorize Bruce Laverty to sign the entry form. Mr. Davis seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

NEXT MEETINGS / ANNOUNCEMENTS: The next meetings of the Board of Supervisors are scheduled for January 5, 2023 and January 12, 2023. The Board agreed to cancel the January 5 meeting. It appears that the January 12 meeting may also be canceled. Township staff will post the website and door accordingly.

EXECUTIVE SESSION: None.

ADJOURNMENT / CONTINUANCE: At approximately 7:45 p.m., Mr. Davis made a motion to adjourn the meeting. Mr. Lavery seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Mandie Cantlin
Secretary

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