

## **East Bradford Township Board of Supervisors Meeting Minutes February 2, 2023**

The February meeting of the East Bradford Township Board of Supervisors (BOS) was held on February 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 January 30, 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 eight guests were present.

**CALL TO ORDER:** The meeting was called to order at 6:30 p.m. by Chair Laverty.

**PUBLIC COMMENT:** Steve Dominic was in attendance to discuss the drainage issue involving Sagamore, Sconnettown Farms, and the Darlington Drive pond. He reviewed the history (which the Board discussed in January 2023). His position is that the uphill developments bear some responsibility to help clean out the Darlington Drive pond, which has accumulated silt from these communities. The Supervisors are slated to discuss this issue in more detail in March.

Bird Milliken was present to address two matters. She expressed concern about trees located on the private property on the other side of Valley Creek Road. They are positioned on a bank and would likely come towards her home if they fall. Several trees have been marked, presumably for removal. She believes they were marked by PECO. She has not been able to figure out if/when they are slated for removal. In the meantime, she is concerned about her safety and the welfare of her home. Others in attendance suggested she inform her insurance carrier and notify the neighboring property owner in writing with her concerns. Ms. Cantlin will contact her to discuss further.

Ms. Milliken's other concern has to do with stormwater. Back in May 2022, she attended a Board meeting and expressed concerns about flood damage. Her property is located in a millrace adjacent to Valley Creek. The historic mill property is almost entirely in the floodplain. At that time, she expressed concern that erosion cause by runoff from the road (and upslope areas) is causing damage to her property. Ms. Cantlin noted that the Township committed to investigating this issue during 2023 and allocated approximately \$100,000 for that purpose. The staff's initial efforts to make process on this matter have involved reviewing land development plans for nearby properties. Ms. Cantlin will provide monthly updates to Ms. Milliken.

**ANNOUNCEMENTS:**

1. Winter History Hikes – Harmony Hill Nature Area; February 11; 2:00 pm
2. Trail Blazer Run – Paradise Farm Camps; June 8; time TBD

**PUBLIC HEARING:** None

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

1. Minutes from January 3, 2023 6:30 p.m. (organization meeting)
2. Recognition of Executive Sessions: None
3. Bills to Pay for February 2023
4. Financial Report for December 2022
5. Records Disposition Resolution: Resolution 05-2023

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

**BUSINESS:**

1. Stroud Preserve Improvements – This matter was postponed until March 2.
2. Historic Commission Vacancy – Steve Novak was in attendance. He is interested in filling the vacancy on the Historical Commission (HC) and the HC is supportive of his appointment. Mr. Davis made a motion to appoint Steve Novak to the HC. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
3. Parks and Recreation (P&R) Board Membership – During the P&R Board meeting in January, the group agreed to allow the membership to remain at seven members.
4. Strode's Barn Study Committee – In 2015, when the Township acquired the Strode's Barn, the Board created the Strode's Barn Study Committee to:
  - a. Develop a vision for the property.
  - b. Meet with Township officials/Supervisors to come to agreement on the vision.
  - c. Develop a demolition/redevelopment process to implement the vision.

The group met into 2017, but work paused later that year. Ultimately, the objectives listed above were achieved through the work of the Township's existing advisory groups, the Friends of Strode's Mill, staff, and consultants. However, the group was never officially disbanded. Mr. Snook made a motion to officially disband the Strode's Barn Study Committee. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

5. Sunset Hollow Road Stabilization – The Board was in receipt of a proposal from Gilmore & Associates to perform bank stabilization work on Sunset Hollow Road. The total cost of work is about \$41,800. Mr. Lucas noted that the high cost is a reflection of the joint permit that is needed for the work. At this point, the staff is planning to seek additional proposals and also update the Sunset Hollow Road bridge replacement proposal. Since these costs are not currently planned for in the 2023 budget, the staff will revisit this project mid-year to determine whether there is adequate funding to commence design work or whether this work will be incorporated into the 2024 budget.
6. Vehicles – The Township advertised three pieces of equipment for sale on Municibid and received the following high bids:

Pickup truck	\$30,550
Loader	\$28,201
Roller	\$ 9,100
Total	\$67,851

Mr. Behmke recommended approving the bids listed above. Mr. Davis made a motion to approve the sale of the equipment at the prices listed above. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.

7. Fee Schedule – The Board was in receipt of an updated fee schedule. Changes/updates include:

- a. General increases to subdivision/land development and Zoning Hearing Board fees
- b. Consolidated and clarified deck and demolition permit fees
- c. Added fees for roofing permits and electrical charging stations
- d. A broader menu of highway occupancy permit fees
- e. Updated professional consultant fees

Mr. Davis made a motion to adopt Resolution 06-2023. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.

8. Zoning Code Update Project – Ms. Campisi highlighted two aspects of the Zoning Code update effort:

- a. Augmentation to the R-3 Zoning District – Ms. Campisi asked the Supervisors if they might want to consider additional uses in the District (e.g., golf course) that would provide an option beyond traditional housing. The Board concurred that they would be interested in additional use options.
- b. Home-based businesses – The staff has been receiving an increasing number of home-based business inquiries. In reviewing the business uses against the Zoning Ordinance, Ms. Campisi observed that the Ordinance restricts someone from conducting a no-impact home based business in an accessory structure while a major home occupation may utilize an accessory structure. Mr. Snook noted that this nuance is the result of how no-impact businesses are defined in the Municipalities Planning Code, so a municipality does not have any flexibility in this regard. However, the Township could consider providing for a level of business operation between no-impact and major. The Board was generally supportive of this approach.

9. Single-Use Plastic Regulations – In April 2022, the Environmental Advisory Council (EAC) advanced a single-use plastics ordinance to the Board's agenda for consideration. In May 2022, the Supervisors asked for additional information about how other municipalities have handled plastic bag recycling locations that are typically found in grocery stores. Ms. Cantlin talked with other municipalities that have enacted the ban and none of them expressed any issue with these recycling locations. She also spoke directly with Giant, who would not plan to remove any recycling stations as a result of restrictive regulation. These stations are managed at the chain level and the chain oversees the pickup of the recycled bags. As more and more locations enact bans, there will likely be an overall reduction in the quantity that is recycled. Therefore, East Bradford will likely see a reduction in bag recycling, whether it enacts a ban or not. The Board is amenable to moving forward and suggested that the staff and EAC update the prior draft of the ordinance to reflect recent changes in other surrounding ordinances.

10. Darlington Ridge –

- a. Amendment to settlement agreement – The Board is in receipt of the first amendment to the settlement agreement. The original agreement required Toll to complete mill and overlay work on the portion of Tigue Road that fronts the tract. However, more comprehensive repair work is needed along the entire roadway. This amendment would allow Toll Brothers to contribute funding to the Township to accomplish a more comprehensive paving project. Mr. Davis made a motion to authorize the Township Manager to execute the agreement. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
- b. Consider deed of dedication for property transfer (Resolution 07-2023) – The two parcels on the southern side of Tigue Road (parcels 51-7-135 and 51-7-136) are to be transferred to East Bradford at the completion of the project. Given that parcel 51-7-135 is subject to a stream restoration project that was paid for in part with grant funding, and the grant is due to expire this spring, the Township has requested that Toll convey this parcel now and the remaining parcel once the project is complete. Mr. Snook made a motion to authorize the execution of the Deed of Dedication and to adopt Resolution 07-2023 authorizing specific Township employees to execute documents needed to go to settlement. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

11. Comerford Conditional Use – The current time clock for this application will expire on March 31, 2023. The Township is in receipt of a request from the applicant to grant an extension through October 31, 2023. Mr. Davis made a motion to grant a time extension for the Comerford conditional use through October 31, 2023. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
12. 1010 Valley Creek Road – The property owner, Bird Milliken, was present. Her roof was damaged late last year by a tree from across the street and she is seeking approval for the recently installed metal roof that replaced cedar shake shingles (she had not realized that she needed Township approval). The Historical Commission is supportive of the replacement. Mr. Davis made a motion to approve the building permit application. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
13. Plum Run Grant Submissions – Mr. Phifer is preparing grant applications for the Plum Run recreation corridor and is seeking two actions from the Supervisors:
  - a. Authorization to submit a Chester County grant – Mr. Davis made a motion to adopt Resolution 08-2023, approving the grant submission. Mr. Snook seconded the motion. There was no discussion and motion passed unanimously.
  - b. Authorization to execute the Chester County grant contract – Mr. Davis made a motion to approve the execution of the County grant contract. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
14. 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. Now, 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), the Board agreed to meet the owner halfway and contribute \$1,000. Ms. Cantlin conveyed the Board's decision to the property owner in December 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 the January meeting, but no one was in attendance. As a result, the Board did not change its position.

The prior property owner, Brent Pelleschi, was now in attendance. He urged the Board to reimburse his expenses at the full amount originally considered (\$2,000), noting that there was never a written agreement between him and the Township. Ultimately, the Board's position remained unchanged, and the \$1,000 reimbursement stands.
15. Fire Tax Credit – Late last year, the West Chester Fire Department asked the Township to consider a fire and EMS tax credit program to incentivize volunteers. They provided a sample ordinance and resolution that West Goshen adopted last year. The Board expressed interest in pursuing this initiative.
16. Household Hazardous Waste (HHW) Commitment – The Chester County Solid Waste authority is seeking the Township's commitment to participate in the HHW program through 2024, using the vendor chosen by the Chester County Board of Commissioners. This is a service that is widely used by the community. Mr. Davis made a motion to participate in the HHW program through 2024. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
17. Salaries for 2023 – In December 2022, the Board approved the employee compensation for 2023. However, one line item had not been updated to reflect a mid-year compensation change. As a result, the actual 2023 compensation is about \$2,250 higher than what the Board approved in December. Mr. Davis made a motion to approve the corrected 2023 compensation. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.

**ITEMS NOT ON THE AGENDA:** Mr. Snook made a motion to add Strode's Mill restoration project to the agenda on the basis that the matter was brought to the attention of the Board less than 24 hours before the meeting. Mr. Davis seconded the motion. Mr. Phifer noted that he is in the process of writing several grants for the Strode's Barn and Plum Run projects. The Pennsylvania Historical and Museum Commission (PHMC) grant, which is due at the end of the month, may require Board endorsement. Mr. Snook made a motion to authorize submittal of the PHMC grant application for Strode's Barn. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

**NEXT MEETINGS:** The next meeting of the Board of Supervisors is scheduled for March 2, 2023 at 6:30 p.m. (regular meeting). Given the lack of agenda items, the tentative meeting scheduled for February 9, 2023 is canceled.

**ADJOURNMENT / CONTINUANCE:** At approximately 7:40 p.m., Mr. Snook made a motion to adjourn the meeting. There was no discussion and the motion passed unanimously.

**EXECUTIVE SESSION:** The Board met with staff in executive session from 8:00 p.m. to 8:20 p.m. to discuss a real estate acquisition matter.

Mandie Cantlin  
Secretary

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