

## **East Bradford Township Board of Supervisors Work Session Meeting Minutes April 5, 2022**

The April meeting of the East Bradford Board of Supervisors was held on April 5, 2022, at 5:30 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 April 4, 2022. The agenda was posted on the Township website and at the Township building on April 4, 2022. Copies of the agenda were available for attendees.

Board members present:  
John Snook, Chair  
Bruce W. Laverty, Vice Chair  
J. Patrick Davis, Member

Board members absent: None

Staff/Professionals present:  
Randy Behmke, Director of Public Works  
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:  
Andrea Campisi, Director of Planning and Zoning  
Three guests were in attendance.

**CALL TO ORDER:** The meeting was called to order at 5:55 p.m. by Supervisor Davis.

**PUBLIC COMMENT:** None.

**ANNOUNCEMENTS:**

1. Art Scholarship Applications – Due May 6, 2022
2. Parks and Recreation (<https://eastbradford.org/departments/parks-open-space-trails/events/>)
  - a. Orienteering; Harmony Hill Nature Area; May 14 at 10 am
  - b. Trail Blazer Run; Paradise Farm Camps; June 16; Registration starts at 5 pm
  - c. Summer Concert Series; East Bradford Park; 7 pm
    - i. June 30 – West Chester Swing Kings
    - ii. July 14 – 84 Glyde
    - iii. July 28 – 309 Express
    - iv. August 11– MissBehavin’ Band
    - v. August 25 – Slim and the Perkolorators

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

1. Minutes from:
  - a. March 8, 2022 6:30 pm (work session)
  - b. March 8, 2022 7:30 pm (regular meeting)
2. Recognition of Executive Sessions on:
  - a. March 8, 2022 (personnel and litigation)

3. Bills to Pay and Financial Report for March 2022

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

**BUSINESS**

1. Codes / Zoning

- a. Cottage and River Bend Lane – Gary Cleveland and Thom McGrady were in attendance. The Board was in receipt of a summary from Ms. Campisi's site visit with Keystone Municipal Services last week.

After discussion, Mr. Lavery made a motion to grant a six-month extension for residents to address violations on their properties but required that property owners/residents provide monthly updates to the staff (via email, phone) to document progress. Mr. Davis seconded the motion, there was no further discussion and no public comment. The motion passed unanimously.

Mr. Cleveland asked for a contact at PEMA/FEMA who would be able to field questions about buyouts. Ms. Cantlin will find out that information and notify residents.

Mr. McGrady and Mr. Cleveland expressed concern about the state of the former Brandywine Creek riverbed that has become bog-like since the dam removal. In addition to aesthetics, they expressed concern about mosquitos. While the dam removal occurred in Pocopson Township, much of the impacted land is in East Bradford.

They also expressed concerns with the approach and demeanor of the Keystone Municipal Services' employee (Susanna Smith) who has been assisting with codes enforcement. Ms. Cantlin will contact Keystone to discuss.

Finally, McGrady and Cleveland asked about enforcement at the Picnic Park. Ms. Cantlin report that a volunteer-led clean-up effort is scheduled for April 22-23. The Township will assess this property after the clean-up event; the Supervisors will likely discuss the status in May.

- b. Red Hound Stables – Ms. Cantlin summarized the history of this matter. In August 2018, the Township learned that fill consisting of dirt and gravel had been placed in the floodplain/floodway areas of the property, in violation of the Township Code. The property was sold to Ms. Pound in March 2020. As part of the sale, funds were placed in escrow to remove the fill, but the escrow funds were insufficient to cover the full cost. In December 2020, staff issued a notice of violation to the current property owner requiring her to remove the fill by May 31, 2021.

In July 2021, Ms. Pound reported that she is in the process of pursuing the contractor who defaulted on his agreement to remove all the fill and there was minimal progress made through the summer/fall of 2021.

In October of 2021, the property owner reported having a difficult time finding contractors to give estimates for this project. The property owner asked for an extension through March 30, 2022 to address the issues listed in the notice of violation and the Board agreed.

To date, there has been no evidence of progress. On April 4, 2022, the property owner emailed an update to Ms. Campisi. She reported that she has found a contractor to do the work and expects to have an estimate in the near future.

Mr. Davis made a motion to grant a 30-day time extension (through April 30) to give the property owner time to obtain the estimate/proposal. Mr. Laverty seconded the motion. There was no further discussion and no public comment, and the motion passed unanimously.

## 2. Parks and Recreation

- a. Strode's Barn Restoration – Mr. Phifer presented the Board with a letter from McTish Kunkel's structural engineer pertaining to the re-erection of the block wall at Strode's Barn. In short, the wall cannot be re-erected as a free-standing block wall in a structurally secure manner given the changes that have occurred to the existing wall as a result of the removal of the supporting walls and braces. This type of rebuild would require new bracing and additional engineering that is outside of the scope of the current project. As an alternative, Mr. Phifer suggested that the Strode Co. insignia be replicated on the inside of the existing wall; he presented the Board with a depiction. Placed on the inside of the wall, the insignia would tie into the interpretive contents of the courtyard. After discussion, the Board agreed with this approach. There was also discussion about using a cannon for the courtyard centerpiece.
- b. Starr Farm –
  - i. Trail use – Mr. Phifer presented a trail concept plan that has been endorsed by the Trails Committee and Parks and Recreation Board. The Trails Committee passed a motion recommending that the trails at Starr Farm be designed in deference to pedestrian and equine use, not cycling. There was active debate as to whether or not this would result in the prohibiting of bikes on the new trails. Meanwhile, the Parks and Recreation Board was more open to shared use. There was also debate on whether or not to consider requiring that pets at Starr Farm be leashed. Mr. Davis endorsed prohibiting bikes in favor of pedestrian and equestrian uses (in light of other biking options in the Township). Mr. Snook and Mr. Laverty were more in favor of designing the trails for equestrian use (and pedestrian) without formally prohibiting bikes, noting that the Township could modify permitted uses in the future, if needed. There was brief discussion about the idea of providing limited parking off of Valley Creek Road, but the Board agreed to wait and see if there was a pressing need, given limited options along this road.
  - ii. Sale method – In his efforts to research sales approaches, Mr. Phifer spoke with West Bradford Township manager Justin Yaich about his experience using Bill Cochrane of James Cochrane, Inc. to sell two open space parcels. Mr. Yaich spoke favorably of the engagement. Mr. Cochrane specializes in these types of sales and has a lot of recent experience working with municipalities on complicated transactions. Mr. Cochrane was also a Township Supervisor himself, so he can relate to that side of the transaction. Mr. Phifer presented a draft realtor services contract for review and recommend that the Board proceed in this fashion. The Board was in agreement with this approach.

Rebecca Smith was in attendance. She raised the possibility of the Township using an alternative means to sell the property. She noted that the Second Class Township Codes allows a Township to avoid the bidding/auction requirement if it transfers the property to certain types of nonprofit organizations. In the latter situation, selling to the highest bidder is not required. Ms. Smith noted that she and her family love the property and would consider forming a non-profit entity for this purpose. Mr. Phifer and Ms. Cantlin raised concerns with regards to transparency, fairness, and general appearance. In addition, getting the highest

value for the farmstead has been one of the Township's objectives in light of the extensive funding that was required to purchase the tract. The Supervisors thanked Ms. Smith for her comments and suggestions.

- iii. Request to extend Galib's license agreement – When the Township acquired the property in December 2020, the Board gave the prior owner until April 16, 2022 to remove his items from the barn. The former owner has made some progress, but he is seeking an extension to move the items.

Mr. Davis made a motion to add this item to the agenda because this matter arose within 24 hours of the meeting. Mr. Lavery seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Mr. Davis made a motion to grant an extension through April 30, 2022 to give the prior owner additional time to remove his belongings. Mr. Lavery seconded the motion. There was no further discussion and no public comment, and the motion passed unanimously.

- c. Mercer's Mill Trail – This item was not discussed; it will be on the May agenda(s).
- d. Jefferis Bridge Signage – Earlier in the year, the Historical Commission reviewed and recommended approval of the draft interpretive panel for placement at the Jefferis Ford Nature Area. However, in the meantime, there has been discussion about trying to establish a consistent theme among panels documenting the Battle of the Brandywine throughout the region. Mr. Phifer has been working to make progress with various parties on the theme; however, this does not seem to be a priority at the regional level and there is no indication that a decision is likely in the near future. The Board looked at samples from other Brandywine Battle sites and asked Mr. Phifer to modify the current panel to include a blue banner header with yellow text (similar to others). They also suggested separating the one long/large panel into two panels. With this change, the Supervisors are comfortable moving forward.
- e. Eagle Scout Project – Eagle Scout candidate Adam Pontzer is proposing to construct and install a water trail kiosk at Shaw's Bridge Park near to the location of the new canoe launch. The Parks and Recreation Board is supportive of the project and recommended approval. The Board agreed to authorize the project.
- f. Tabling Policy – Mr. Phifer presented a draft copy of the third-party tabling policy that has been reviewed and endorsed by the Parks and Recreation Board. This policy is meant to govern Township recreational/cultural events in parks, so that they do not become unduly occupied by unaffiliated third parties that are only interested in soliciting people for their non-related causes. The Supervisor did not have comments and suggested sharing the draft policy with the solicitor.
- g. Tree Planting at Shaw's Bridge – Mr. Phifer reminded the Board about the tree planting event taking place at Shaw's Bridge Park on Saturday, April 23. The planting will begin at 9:00 am. Senator Comitta is unable to attend but will be represented on site by her staff. The West Chester Sunrise Rotary Club members are looking forward to this volunteer opportunity.

### 3. Public Works and Roads

- a. Paving, Line Striping, and Fuel Bids – Mr. Behmke presented the Board with draft bids for road paving, striping, and fuel. The latter two – fuel and striping – are the same scopes as last year. Mr. Behmke is proposing a paving program that includes the following roads:

- Clover Ridge Drive
- Tree Lane
- Shadow Farm Road
- Three Fox Lane
- Apple Hill Drive
- Frank Road
- Brookmeade Drive
- Dean Court
- Darlington Drive

He anticipates that the cost will be around \$540,000. There was discussion about striping and the Board suggested removing some neighborhood streets (e.g., Shropshire) from the list. They also questioned striping on Guthrie. Mr. Davis made a motion to authorize bidding the road, striping, and fuel items, inclusive of any changes the staff makes to the striping inventory. Mr. Lavery seconded the motion. There was no discussion and no public comment and the motion passed unanimously.

Ms. Cantlin updated the Board with regards to Tigue Road. Toll Brothers is required to mill and overlay the road in front of the Darlington Ridge development as a condition of the settlement agreement. However, the entire road segment is in need of repair. Staff is working with the solicitor and Toll to coordinate payment to the Township for Toll's portion so that the Township can repair and repave the entire road in 2023.

- b. Ravine Road Stabilization – The Township is in receipt of two proposals for engineering work required to stabilize a portion of Ravine Road:
- Gilmore & Associates = \$45,780
  - McTish-Kinkel and Associates = \$72,437

Mr. Lucas noted that Carroll Engineer did not submit a proposal and recommended awarding the work to Gilmore. Mr. Lavery made a motion to award the engineering work to Gilmore & Associates as outlined in their March 24, 2022 proposal (approximately \$45,780). Mr. Davis seconded the motion. There was no discussion and no public comment and the motion passed unanimously.

- c. Strasburg/Highland Intersection – Last fall (November 3, 2021), the Board of Supervisors granted a time extension until March 30, 2022 for the property owner to address the sight distance limitations at this intersection. To date, no work has been done and the property owner has not been in communication with the Township. The Board directed staff to give the property owner 30 days to address the issue, after which point the Township will remove the obstruction.
- d. Ashbridge Culvert – Mr. Lucas reviewed that the original plan was to repair both cells of the culvert. However, in the meantime, the Township learned of more advanced deterioration. One cell can be replaced for about the same price as repair. In addition, one headwall is not salvageable and will have to be replaced. Meanwhile, the Township applied for a Local Share grant to cover the cost of full replacement, but those grants will not be awarded until later this summer. Mr. Lucas recommended that the Township proceed with engineering to repair one side of the culvert and replace the other so as not to delay this project further if the Township does not receive the grant. The Board was in agreement with this approach.
- e. Sunset Hollow Road Basin – Last month the Board discussed the old, privately owned basin on Sunset Hollow Road (at Greene Countrie Drive) that serves the Greene

Countrie development. The property owners (who moved in about a year ago) are technically responsible for the maintenance of the basin. However, the basin has been deteriorating for some time and it will be quite costly for them to repair. Further, the design of the basin is not desirable and future challenges are likely. For this reason, the Board authorized Aaron Clauser to evaluate the basin and see whether there might be a better approach.

The Board was now in receipt of Dr. Clauser's proposal. He is of the opinion that it would be feasible to restore the basins to the 1970s condition, but a modern design approach would likely have greater environmental benefits. He recommends that restoration of this area should focus on best management concepts similar to installing a regenerative step pool storm conveyance system (SPCS) in the stream channel that includes regenerative concepts and provides grade control within the channel. Clauser Environmental, LLC is available to provide a proposal to assist with design, permitting, and oversight for the proposed restoration project, should the interested parties want to pursue improving these areas.

Mr. Lucas suggested looking into options that would enable the Township to take TMDL credit for a project. The Board was in agreement with investigating this option further.

#### 4. Legislation

- a. County Assistance – The Chester County Planning Commission (CCPC) will be ready to commence the update to the Township's Zoning Ordinance this summer. Ms. Campisi met with CCPC staff to discuss the update project and the County asked if there is anything specific the Supervisors would like them to focus on. Mr. Snook mentioned incorporating recommendations from the Open Space Plan and clarifying the woodland preservation requirements. He also offered to share an ordinance that he recently worked on as reference.
- b. Solid Waste Ordinance Amendment – DEP is currently withholding the Township's recycling grant funding pending an ordinance amendment to require recycling at community events. Staff prepared a brief amendment for that purpose. Mr. Davis made a motion to authorize advertisement of the ordinance. Mr. Lavery seconded the motion. There was no discussion and no public comment and the motion passed unanimously.
- c. Wireless Legislation – Last year, the Township commenced an effort to update its wireless regulations to reflect legislative changes. Ms. Cantlin presented the Board with an updated draft ordinance for review. Mr. Lavery and Mr. Snook asked for more time to review the draft. This will move to the May agenda.

#### 5. Subdivision / Land Development

- a. Darlington Ridge – Construction continues at the site where 74 units have gone to settlement and 94 units have been sold. Toll expects the development to be sold out by the end of the summer and to have construction complete by the end of the year. Toll indicated that they would begin preparing to convert stormwater management basins and finish remaining site improvements as construction nears completion.
- b. West Chester Crossing
  - i. Quarterly update – Construction continues at the site where six units have gone to settlement and 24 units have been sold.
  - ii. Consider escrow release request – Toll Brothers submitted Escrow Release #1 in October 2021 seeking the release of \$1,013,730.00. After review and

recommendation by Carroll Engineering, the Board approved the request at the November 3 work session. After Board approval, the Township sent a letter to the surety company authorizing release. However, the surety representative raised a question about the calculations.

Toll is now submitting a revised request #1 seeking the release of \$1,035,027.40. Carroll Engineering reviewed the request and recommended the release. Mr. Davis made a motion to authorize the release of \$1,035,027.40 from the escrow account. Mr. Lavery seconded the motion. There was no further discussion and no public comment. The motion passed.

6. Other

- a. Credit Card Payments – As the Township moves closer to the completion of the website update and the eventual processing of recreation and building permits online, Ms. Lennon asked whether the Board would prefer to pass on the credit processing fees to applicants or absorb the cost. The Board agreed to pass the cost on to applicants.
- b. Trails Committee – There are currently two vacancies on the Trails Committee. Over the last two Trails Committee meetings, the Committee met with three interested candidates: Rebecca Smith, Jane Scriptunas, and Linda Barchet. The Committee would like to expand the membership to 10 members so that all three candidates can be appointed. Mr. Davis made a motion to expand the Committee to 10 members and appoint Rebecca Smith, Jane Scriptunas, and Linda Barchet. Mr. Lavery seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
- c. Security Improvements –
  - i. Access control – The Township is in receipt of four proposals for access control:
    - All Systems Audio & Video
    - Structured Resources
    - AES
    - GO2

Mr. Behmke recommended moving forward with AES for \$51,849 and a monthly monitoring fee of \$40. He noted that AES is NDAA certified, and that the system would be expandable should the Township decide to add components at a later date. Mr. Davis made a motion to award the work to AES for an upfront cost of up to \$52,000 and a monthly monitoring fee of \$40. Mr. Lavery seconded the motion. There was no discussion and no public comment and the motion passed unanimously.
  - ii. Ballistics – Mr. Behmke provided an update with regards to the scope of work for ballistic paneling. He will be meeting with an architect to evaluate options at the front counter.
- d. Municipal Management Software – Last fall, the Township commenced a review of alternative municipal management systems. After evaluation, the staff is recommending TRAIRS. The Board was supportive of this direction and authorized the staff to proceed with TRAIRS, as outlined in their March 10 proposal, in an effort to quantify the costs associated with various onboarding tasks.
- e. Accident and Illness Prevention Policy – Ms. Cantlin presented the Board with an updated AIPP that incorporates new illness prevention and return to work policies (along with other minor changes). Mr. Davis made a motion to adopt the amended Accident and

Illness Prevention Policy and designate the Township Manager to serve as the AIPP Coordinator. Mr. Laverty seconded the motion. There was no discussion and no public comment and the motion passed unanimously.

- f. Summer Internship – A West Chester University undergraduate student (political science major) is interested in a summer internship. The internship would last about seven weeks (July into August) and she would work approximately 34 hours per week. Responsibilities would include various document management tasks to assist with the new municipal management software, assistance with Board meetings and minutes, assistance with recreational events, etc. Funding for this internship would come from the budget for part time administrative work (\$22,000 budgeted). The Supervisors are supportive of the internship and approved a rate of \$15 per hour.

**ITEMS NOT ON THE AGENDA:**

1. ARLE Project – This project has been in the works since 2015. Last summer, the Township and Borough put the project out to bid and the low bid was almost \$40,000 above the original estimate (\$114,866.90), forcing both municipalities to revamp their budgets. Heading into 2022, both East Bradford and the Borough have adjusted their budgets to accommodate the additional expense, but the project must be rebid given the time that has elapsed.

Pennoni Associates rebid the project last month and the following bids were received on March 31:

- Road-Con = \$178,531.00
- Premier Concrete = \$134,510.25
- Albert G. Cipolloni = \$62,954.75

Pennoni initially thought the low bidder had a clerical error and was going to withdraw his bid, however on Friday afternoon he confirmed that he would honor the bid. Even if there are some field adjustments (which are common with ADA ramps), the low bid should be well below budget. Both Pennoni and West Chester Borough have had positive experiences with Cipolloni.

Mr. Davis made a motion to add the ARLE project to the agenda and to award the bid to Albert G. Cipolloni in the amount of \$62,954.75. Mr. Laverty seconded both motions. There was no discussion and no public comment and the motion passed unanimously.

**PUBLIC COMMENT:** None.

**EXECUTIVE SESSION:** The Board met with staff from 8:30 p.m. to 8:48 p.m. to discuss litigation matters.

**NEXT MEETINGS:** The next meetings of the Board of Supervisors are scheduled for:

- April 12, 2022 at 6:30 pm (work session) – CANCELED
- April 12, 2022 at 7:30 pm (regular meeting) – CANCELED
- May 3, 2022 at 6:30 pm (work session)

**ADJOURNMENT / CONTINUANCE:** At approximately 8:48 p.m. the Board agreed to adjourn the meeting.

Mandie Cantlin, Secretary