

East Bradford Township Board of Supervisors Meeting Minutes April 6, 2023

The April meeting of the East Bradford Township Board of Supervisors (BOS) was held on April 6, 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 April 3, 2023. Copies of the agenda were available for attendees.

Board members present:

Bruce W. Lavery, Esquire, Chair
John Snook, Vice Chair (participated via Zoom teleconferencing)
J. Patrick Davis, Member

Board members absent: None

Staff/Professionals present:

Randy Behmke, Director of Public Works
Andrea Campisi, Director of Planning and Zoning/Zoning Officer
Mandie Cantlin, Township Manager/Secretary
Peggy Lennon, Director of Finance
Rich Phifer, Property and Recreation Director

Staff/Professionals absent:

Mark Lucas, P.E., Township Engineer

Others in attendance:

Approximately three guests were present.

CALL TO ORDER: The meeting was called to order at 6:33 p.m. by Chair Lavery.

PUBLIC COMMENT: None

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: None.

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

1. Minutes from March 2, 2023 6:30 p.m.
2. Recognition of Executive Sessions: March 2, 2023 (litigation and personnel)
3. Bills to Pay for April 2023
4. Financial Report for February 2023
5. Records Disposition Resolution: None

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

BUSINESS:

1. Zoning Code Update Project – The Planning Commission did not meet in March due to a lack of quorum, but Ms. Campisi discussed the nonconformities provisions with the Board:
 - a. The current draft states that the area devoted to a nonconforming use shall not be increased by more than 25 percent. The Board agreed that this percentage should pertain to the floor area as opposed to

the building footprint, noting that there are other standards that regulate building and impervious coverage.

- b. As the Code currently reads, a nonconforming use would be abandoned if/when the use has been intentionally discontinued for a continuous period of six consecutive months. The Board agreed to increase this time period to 12 months.
 - c. Currently, a lawful nonconforming building or structure that has been involuntarily damaged or destroyed (e.g., fire, explosion, flood, wind) may be restored only if the damage is less than or equal to 75 percent of the structure's fair market value. The Board agreed to eliminate this 75 percent limitation. Further, restoration work must commence within one year of the first definitive action taken towards reconstruction (e.g., permit submittal) (as opposed to the date of the disaster).
 - d. Finally, there was discussion about addressing lawfully existing nonconformities that were created by zoning amendments. This will get examined in more detail later, when the working group works on the zoning map.
2. 989 Fairview Avenue – The property owner removed the portions of the collapsing garage that were threatening the roadway. Therefore, this enforcement matter is resolved. The staff will periodically monitor the structure.
 3. 1333 Circle Drive – The grass on this property was an ongoing issue all last summer as it was never cut. The Township Solicitor obtained permission from the estate attorney and the property owner's son (the owner is deceased) to allow Public Works to enter the property and cut the grass once per month for the upcoming growing season, if necessary. The Board was in receipt of an agreement for this purpose. While the agreement is silent to compensation, the Township has the authority to lien the property to cover the costs. The Board suggested that the staff provide an estimate and/or a formula to the estate so that they know what to expect in terms of cost. Mr. Laverty made a motion to authorize execution of the Agreement and Release for 1333 Circle Drive, provided the staff prepares and submits an estimate of costs to the estate. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.
 4. Reroofing Bid – The Township went out for bids to reroof the administration building. Three bids were received and opened on March 30, 2023:
 - a. Vertex Roofing - \$47,270 plus \$150/sheet of sheeting. This bid was not qualified because they did not demonstrate that the shingle manufacturer chosen will provide a certification that is equal to or better than the Certainteed 5-Start Certification.
 - b. Sky General Construction - \$143,878 plus \$115 per sheet of sheeting.
 - c. A.H. Davis and Sons - \$55,680 plus \$65 per sheet of sheeting.

Mr. Behmke contacted references for A.H. Davis and received positive responses. Mr. Behmke recommended that the Board award the contract to A.H. Davis as the lowest qualified bidder. Mr. Davis made a motion to award the roofing bid to A.H. Davis for \$55,680, plus \$65 per sheet of sheeting. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.

5. Ballistics Paneling Bid – The Township went out for bids for ballistic paneling. Two bids were received and opened on March 30, 2023, and both bids were significantly higher than anticipated:
 - a. Donald E Reisinger - \$186,760:
 - i. Board room dais paneling = \$7,050
 - ii. Vestibule doors = \$49,450
 - iii. Reception area paneling = \$130,260
 - b. Wellbuilt Services - \$206,980:
 - i. Board room dais paneling = \$17,800
 - ii. Vestibule doors = \$74,800
 - iii. Reception area paneling = \$114,380

Currently, approximately \$70,000 is earmarked for this project. Mr. Behmke recommended that, to stay within budget, the Supervisors award the bid to Donald E Reisinger for just two of the three areas: Board room dais and vestibule (\$56,500). While this approach would keep the work within budget, it does not address an area of the building that is particularly vulnerable. Ms. Lennon presented the Board with several budgetary options that

would enable all components of the project to be completed this year. The Board agreed to reallocate capital funding that had been earmarked for several stormwater projects because the Township was able get grant funding for this work. This funding reallocation would all be within the Capital Reserve Fund.

Mr. Davis made a motion to award the ballistics bid to Donald E Reisinger for \$186,760, noting that Capital Reserve funding would be shifted to this project from stormwater projects. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.

6. 2023 Paving, Striping, and Fuel Bids – Mr. Behmke presented the Board with his recommendations for the 2023 paving season. Most of this year's work will focus on Tigue Road and New Street, with secondary projects at Copeland School Park and trail, Rosedale, Bala Farms, and Jenissa Drive. Mr. Snook made a motion to authorize the bidding for paving, striping, and fuel. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.
7. ARLE Project – Following up on the discussion during the March meeting, the Supervisors were in receipt of the change order in the amount of \$57,396.65 (about \$1,493 less than expected) to address additional requirements. This increases the overall cost of the project to \$120,351.40 (split 50/50 between East Bradford and West Chester, less grant funding and other contributions). Ms. Cantlin executed the change order in March. Mr. Davis made a motion to ratify the execution of the change order in the amount of \$57,396.65. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
8. Starr Farm – Mr. Phifer provided an update on the parking lot design. The Parks and Recreation (P&R) Board and Trails Committee have been discussing trail alignments for the western portion of the Starr Farm Park property over the last few months. The biggest outstanding item concerning the trail alignments is the concept of a mid-block pedestrian crossing towards the southern end of the property's Skelp Level Road frontage. A crosswalk will be provided at the Skelp/Harmony Hill intersection, but the P&R Board and Trails Committee want to provide an additional mid-block crossing further south on Skelp Level Road. The groups want a large loop system and feel that trail users will cross the road on their own, wherever they want, if a crossing is not provided for them. The Traffic Committee opposes any mid-block crossings for safety reasons. Staff are not in favor of a mid-block crossing for the same reason but engaged LTAP to provide additional guidance. The Supervisors favored the concept of a trail loop and mid-block crossing but agreed to wait for the LTAP recommendations before deciding on the best crossing location.

Groups have also discussed the parking lot configuration at the committee level and have achieved a supported consensus on one parking configuration in particular. The selected configuration would allow for two pedestrian trailers or a small school bus to access the site and remain separated from normal vehicles. The lot would provide 30 stalls for normal vehicles. Normal vehicles would be parked on crushed stone surfacing and the area for trailers and/or a bus would be underlain with a reinforced (geotextile) grass surfacing. The Board was supportive of the concept and had no further comments.

9. Recreational Grants – Mr. Phifer asked the Board to consider several resolutions for grant projects:
 - a. Resolution 14–2023 for a DCED GTRP Grant Application seeking \$250,000.00 in funding support for the Plum Run Trail construction project.
 - b. Resolution 15-2023 for a Brandywine Conservancy Mini Grant seeking \$20,000 for the construction of the Mercer's Mill trail bridge.

Mr. Snook made a motion to adopt Resolution 14-2023 for the submission of the DCED grant and Resolution 15-2023 for the submission of the Brandywine Conservancy Mini Grant. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

10. Fire and Police Agreements – Ms. Cantlin provided an update on the police and fire agreement renewals:
 - a. West Chester Fire – Ms. Cantlin, Ms. Campisi, and Ms. Lennon met with Sean Metrick and Steve Pelna on March 20. A subsequent meeting with all municipal partners was scheduled for March 31, but has been canceled twice.
 - b. West Bradford Fire – A meeting with West Bradford is pending.
 - c. West Chester Police – Ms. Cantlin had a meeting with Sean Metrick and Jim Morehead scheduled for April 4, but Mr. Metrick was not able to attend. A rescheduled meeting is pending.

Ms. Cantlin will continue to provide updates on a monthly basis.

11. Records Disposition Manual – The Township’s current records disposition resolution references an older version of the Retention Manual. Ms. Cantlin presented a resolution to update this reference. Mr. Davis made a motion to adopt Resolution 16-2023 updating manual reference. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
12. Tax Lien Exoneration – The Township was in receipt of a letter from the Chester County Tax Claim Bureau. The Bureau has acted to exonerate uncollected taxes on five properties and is asking if the Board is willing to do the same for Township taxes. Four of the five properties pertain to cabins along the Brandywine that were destroyed in Hurricane Ida. The fifth property is an HOA-owned open space parcel. The HOA property exoneration is for the taxes that are due prior to 2015, when the property was still in the developer’s name. In 2015 the property, which is open space, was made tax exempt. The amount due has been sitting and the HOA wants to get it off their records. The total amount to be exonerated would be about \$740. Mr. Davis made a motion to authorize the removal of the tax liens for the five properties identified by Chester County. Mr. Laverty seconded the motion. There was no discussion and the motion passed unanimously.

ITEMS NOT ON THE AGENDA:

1. Resolution Adopting the Chester County Hazard Mitigation Plan – Ms. Cantlin learned this week that the County did not have a record of East Bradford adopting the County Mitigation Plan. She asked the Board to add this to the agenda and consider adopting a resolution to take that action. Mr. Davis made a motion to add the County Hazard Mitigation Plan to the agenda on the basis that the issue arose within 24 hours of the meeting. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously. Mr. Davis made a motion to adopt Resolution 17-2023 adopting the Chester County Hazard Mitigation Plan. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
2. Ambulance/Rescue Contribution – Ms. Lennon asked for clarification regarding the ambulance contribution. The Board confirmed that Good Fellowship is the sole recipient of the contribution because they are covering the entire Township.

PUBLIC COMMENT: Bird Milliken was present. She asked about the potentially dead/diseased trees that are located on the private property on the other side of Valley Creek Road. Ms. Cantlin reported that the owner of the trees is planning to remove them in the near future. Ms. Milliken also asked about the pending stormwater project. The Township is in the process of obtaining survey data, which will be used to design the stormwater facilities. The primary objective of the project will be to convey water to Valley Creek and reduce erosion and sediment transportation. Ms. Milliken may investigate other property enhancement projects that are beyond the scope of the Township’s work.

NEXT MEETINGS:

- April 13, 2023 at 6:30 p.m. (canceled)
- May 4, 2023 at 6:30 p.m. (regular meeting)

EXECUTIVE SESSION: The Board met with staff in executive session from 7:40 p.m. to 8:00 p.m. to discuss a real estate matter on Miner Street and a personnel investigation.

ADJOURNMENT / CONTINUANCE: At approximately 8:00 p.m., Mr. Davis made a motion to adjourn the meeting. There was no discussion and the motion passed unanimously.

Mandie Cantlin
Secretary