

## **East Bradford Township Board of Supervisors Work Session Meeting Minutes June 7, 2022**

The June meeting of the East Bradford Board of Supervisors was held on June 7, 2022, 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 January 14, 2022. The agenda was posted on the Township website and at the Township building on June 3, 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:  
Andrea Campisi, Director of Planning and Zoning  
Mandie Cantlin, Township Manager/Secretary  
Mark Lucas, P.E., Township Engineer  
Rich Phifer, Property and Recreation Director

Staff/Professionals absent:  
Randy Behmke, Director of Public Works  
Peggy Lennon, Director of Finance

Approximately 20 guests were in attendance.

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

**PUBLIC COMMENT:** None.

### **BUSINESS**

1. Recognition of Executive Session – The Board announced an executive session that occurred on May 24, 2022 for the purpose of discussing real estate.
2. Legislation
  - a. Street Tree Ordinance – The Board was in receipt of an updated version of the tree ordinance. Ms. Cantlin summarized the origin of the ordinance. The Township has seen an increase in complaints, litigation, and costs associated with trees along roadways. This ordinance was drafted to provide a mechanism for the Township to 1) evaluate the variety of conditions stemming from vegetation along roads and other public lands/facilities, 2) address hazardous conditions, and 3) distribute some of the costs associated with this function. The Board received a number of comments, including:
    - i. Jean Renshaw discouraged the Township from adding more regulation. She believes the Township funds / taxpayer dollars should be used to address the issues outlined in the ordinance and is opposed to the costs being assessed to individual landowners. She noted that PennDOT deals with tree-related issues without assessing costs to the property owner. She encouraged the Township to consider the interplay between this ordinance and the Scenic Road regulations.

- ii. Dave Nalin commented that global warming is resulting in more intense storms and more tree-related damage. He sees this as a tree tax on landowners. He inquired about the criteria for determining a diseased/hazardous tree, an appeal process, whether COVID-related funding could be used for this purpose, and about PECO practices.
- iii. Larry Miller commented that he thinks the fundamental premise of the ordinance (to protect public safety) is good. He suggested a longer timeframe for property owners to address issues (increase to 60-90 days). He inquired about the line between township and private landowner responsibilities and objected to the violation and penalty language. (Mr. Hall, who was attending on behalf of John Coxe, agreed with this last critique.)
- iv. Joe Armstrong sees this type of regulation as a tax on open space and disproportionately impactful to large/conservation landowners.
- v. Mark Bedwell urged the Board not to pass this ordinance. He believes it is the Township's responsibility to address this type of issue. Dealing with damages from trees is covered by the Township's insurance.
- vi. Ann Williams also inquired about who would assess and determine a hazardous tree. Ms. Cantlin responded that the Township works with an arborist for that purpose.

After collecting comments, the Supervisors agreed that they do not want the regulation to be punitive, but that they want to address ambiguity regarding how the Township addresses these types of issues. They discussed narrowing and refining the scope of the ordinance. Ms. Cantlin reported that she will summarize the comments received and review them against the ordinance. She also commented that she had received email correspondence from another resident (who could not attend) who wanted the Township to take more aggressive action to improve the appearance of vegetation in the right-of-way. The ordinance will likely be revised and presented the Supervisors at a later date.

- b. Wireless Ordinance – The Township solicitor is in the process of integrating language that would enable municipal uses in all zoning districts. This amendment should be ready for review during the meeting on June 14.
- c. County SWM Ordinance – On February 10, 2022, the Chester County Board of Commissioners voted to amend the County-wide Act 167 Stormwater Management Plan for Chester County to replace the 2013 model ordinance with the 2022 County-wide Act 167 Stormwater Management Model Ordinance. Chester County submitted the adopted Model Ordinance and appendices to the Pennsylvania Department of Environmental Protection (DEP) for their review in accordance with the Pennsylvania Stormwater Management Act (PA Act 167). DEP reviewed the Model Ordinance and requested changes to improve consistency with their state-wide 2022 Stormwater Management Model Ordinance. The changes were incorporated into the County-wide Model Ordinance to address DEP's comments. DEP has reviewed these changes and noted that they have no further comments on the County-wide Model Ordinance. Municipalities are now asked to update their ordinances to be consistent with DEP's 2022 Model Ordinance and the County-wide Act 167 Model Stormwater Ordinance. Mr. Lucas noted that the current draft would reduce the current stormwater threshold from 1,000 sf to 500 sf, which is contradictory to what the Township has conveyed to property owners since 2014. It also requires owners to inspect basins after every 25-year storm, which would be extremely time consuming. The County has been facilitating this update but has not been an active advocate on behalf of municipalities. Mr. Lucas will continue to keep the Board updated as the ordinance progresses.

- d. Airbnb – Staff recently received an inquiry from a local realtor asking if a single-family dwelling could be used as an Airbnb. The current Zoning Ordinance would not prohibit this use and the Board agreed not to regulate Airbnbs at this time since there is no evidence of problems or issues arising from this use.

### 3. Codes / Zoning

- a. Various Updates – Ms. Campisi provided a variety of updates. Specifically:
  - i. 1098 Birnam Place – The hearing on this matter was continued to give the defendant time to address the issue.
  - ii. 984 Brandywine Avenue – This violation has been resolved.
  - iii. 989 Fairview Avenue – The court ruled in favor of the Township.
  - iv. Cottage and River Bend Lanes – Ms. Campisi will prompt the cottage owners to provide updates.
  - v. Picnic Park – The property sold and Ms. Cantlin will be sending a letter to the new owners.
  - vi. 171 S. Bridge Road – Citations were filed.
  - vii. 1370 Bridge Road – Ownership issues remain unresolved.
  - viii. 795 W Strasburg Road – The notice of violation was issued.
- b. Firewood Complaint – Fred Ferrari was in attendance on this item. Ms. Campisi has continued to research this matter. Based on feedback received from other municipalities, it would appear that the most promising options to address this type of issue would be through adoption of the Property Maintenance Code or possibly via application of the Fire Code. Mr. Snook suggested that the pile could be interpreted as an accessory structure, but Ms. Campisi does not feel that the Zoning Ordinance definitions support that interpretation. After discussion, the Board agreed that Rich Hicks should consider whether the size of the pile is in violation of the Fire Code.
- c. Bamboo – The Township occasionally receives complaints related to bamboo crossing a property line. After discussion the Board agreed that Bamboo encroachment from one property to another is a civil issue between landowners and not something the Township should attempt to regulate.
- d. Marshall Conditional Use – The applicant has requested an extension through January 31, 2023. Mr. Davis made a motion to approve the extension request. Mr. Laverty seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

### 4. Public Works, Roads, Facilities

- a. Fox Chase access – Tom and Patti Williams were in attendance for this item. After review, the Solicitor's office determined that the Township has lost its right to use the access as an easement, given that it never opened a road or maintained the subject property. Thus, interest in the right-of-way likely passed/reverted to the current owners on September 12, 1999. The Board asked whether there was documentation that should be filed with the Recorder of Deeds to clarify this reversion. Ms. Campisi will find out.
- b. Signal Service Contract – The Township is in receipt of a new proposal for signal maintenance for the years 2022-2024. The preventative maintenance cost will remain the same, but a few hourly rates for responsive maintenance have increased by 5-10% (most remain unchanged). Mr. Laverty made a motion to authorize execution of the 2022-2024 Signal Services Proposal. Mr. Davis seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

c. Valley Creek Road Concept – This item was not discussed.

5. Parks and Recreation

- a. Plum Run Corridor – Staff is reviewing the Plum Run Trail plan designs against the Township Code. The Board will discuss this topic after the staff is finished with their reviews.
- b. Jefferis Ford Nature Area – The Board reviewed full-size printouts of the interpretive panels and provided feedback.
- c. Star Farm – Mr. Phifer shared an updated draft of the subdivision plan, and the Board indicated its approval to finalize the plan. The Board also provided feedback regarding how the easement addresses maintenance of the sloped area to the east of the farmstead and parameters surrounding alterations to the structures.

6. Public Services

- a. Art Scholarship – The Art Scholarship Committee voted to award the \$1,000 scholarship to Henderson senior Ava LoSchiavo. Ms. Ava LoSchiavo will be in attendance on June 14 at 7:30 pm.

**ITEMS NOT ON THE AGENDA:** None.

**PUBLIC COMMENT:** None.

**EXECUTIVE SESSION:** The Board met in executive session from 9:00 p.m. to 9:30 p.m. with staff to discuss personnel, litigation, and real estate matters.

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

- June 14, 2022 at 6:30 pm (work session)
- June 14, 2022 at 7:30 pm (regular meeting)
- July 5, 2022 at 6:30 pm (work session)

**ADJOURNMENT / CONTINUANCE:** At approximately 9:30 p.m. the Board agreed to adjourn the meeting.

Mandie Cantlin, Secretary