

East Bradford Township Board of Supervisors Work Session Meeting Minutes July 12, 2022

The July meeting of the East Bradford Board of Supervisors was held on July 12, 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 July 8, 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:

Staff/Professionals present:
Randy Behmke, Director of Public Works
Andrea Campisi, Director of Planning and Zoning
Mandie Cantlin, Township Manager/Secretary
Rich Phifer, Property and Recreation Director
Edith Bradley, Intern

Staff/Professionals absent:
Peggy Lennon, Director of Finance
Mark Lucas, P.E., Township Engineer
Approximately four 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. 709 W. Miner Street (HR #170) – Last week, the Board considered a proposal to remove existing stucco from the east elevation of the home and repoint the exposed stone as needed. The Historical Commission recommended denial of the application. The Board postpone this item to tonight to give the applicant time to respond, but there has been no response. Mr. Davis made a motion to deny the proposal as recommended by the Historical Commission. Mr. Laverty seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
2. Sale of Vehicles – Bids were accepted via Municibid through Friday July 8, 2022 for the sale of four items. Mr. Behmke recommended the following actions:
 - a. 2003 International Dump Truck – Forty-five bids were received with the top bid being \$17,100. Mr. Behmke recommends awarding the bid to Greg Salnicko for \$17,100.
 - b. Three Point Hitch Post Hole Digger with Two Bits – Twenty-two bids were received with the top bid being \$575. Mr. Behmke recommends awarding the bid to Stephen H Overstreet for \$575.
 - c. 2012 ExMark Zero Turn Mower – Forty-three bids were received with the top bid being \$3,700. Mr. Behmke recommends awarding the bid to Daniel Blosser for \$3,700.

- d. ShoreTel Phones – No bids were received. Mr. Behmke recommended listing them one more time on Municibid. If no bids are received, the Township can dispose them at will.

Mr. Davis made a motion to approve the sales totaling \$21,375 as recommended by Mr. Behmke. Mr. Laverty seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

3. Starr Farm Conservation Easement – Mr. Phifer distributed a draft conservation easement for review and discussion. Rebecca Smith was in attendance and expressed concern about the preservation of historic integrity. This spurred discussion about the role of the beneficiary with regard to the review of modifications to the structures. This right is reserved in the section of the easement that pertains to the façade easement. The Board is in agreement that the easement should be completed by the Township prior to settlement so that the land can be conveyed with the easement in place. Given that timing, the Board agreed to strike Section 1.07(a), which deals with granting a conservation easement. Mr. Phifer will forward the document to the solicitor to review.
4. Complete Streets – In November, the County adopted a Complete Streets Policy, which is intended to establish a vision where “roadways in Chester County will meet the mobility needs of all users and provide for all appropriate modes of transportation with an emphasis on safety, equity, and environmental responsibility.” Various advisory boards and committees reviewed the policy and most expressed general support. The County is asking municipalities to adopt the same (or similar) policy via resolution to strengthen the policy’s implementation county-wide. The Board agreed to adopt a resolution for this purpose; Ms. Cantlin will prepare for next month.
5. County SWM Ordinance – There is no update this month.
6. Wireless Ordinance – Staff is looking for feedback from the Board regarding the bulk, area and setback requirements that should be included in this ordinance amendment for application to municipal uses. Options include assigning the same requirements to municipal uses in all zoning districts or including different standards for different districts considering the composition of the individual districts. After a brief general discussion, Ms. Campisi offered to pull together some possible standards for discussion at a future meeting.
7. Codes Enforcement Approach and Billing – The Board discussed the Township’s general approach to codes enforcement matters. When approaching different enforcement questions, the Board recognized that the staff must be consistent with its approach. What applies to one situation applies to all applicable situations. Further, when interpreting zoning provisions, “the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction” (MPC). That said, the Board agreed that the ordinance could be improved to provide clarity (the outdoor storage provisions were identified in particular) and all agreed to raise this issue as part of the County review of the ordinance. In the meantime, the majority agreed that the Township should not be spending time in the middle of civil disputes that are not code related.

At this point (7:35 p.m.), the Board adjourned the work session to conduct the regular meeting agenda. The Board reconvened the work session at 7:37 p.m.

The Board also talked about billing property owners for internal staff time spent to enforce code violations. After discussion, the Board agreed that the Township should no longer bill property owners who are the subject of codes enforcement actions for staff time. However, the Township should still attempt to recoup costs incurred by outside consultants through the legal process. There was specific discussion about the remaining charges owed by Gary Cleveland for the dam construction violation. The Township billed Cleveland \$3,000 in 2021. In August 2021, the Board agreed to reduce the charges by \$750 to \$2,250. Mr. Cleveland has paid \$400, so \$1,850

remains. In light of this evening's discussion, the Board agreed to reduce the remaining due to \$300 but asked Mr. Cleveland to pay this remaining amount by the end of August.

8. Refuse and Recycling Contract Renewal – The staff has forwarded the draft contract and bid documents to the solicitor to review. There was discussion about whether the Township should require that all trash be placed in plastic containers (to prevent animals from getting into bags), but after discussion the Board agreed that the issue was not prevalent enough to warrant an amendment to the ordinance and/or contract. Ms. Cantlin also mentioned the possibility of requiring pricing for a third option year.
9. Good Fellowship Ambulance – Mr. Snook will attend the meeting with Good Fellowship on July 15.
10. Portnoff Contract and Ordinance Amendment – the Consumer Financial Protection Bureau released new guidelines that became effective on November 30, 2021 that caused Portnoff Law Associates (PLA) to change the first step of its collection process. As a result of the new guidelines, PLA began sending model validation notices as their initial contact with the property owner. PLA sent these notices out this year at no charge to the Township or the property owner, but they will need to start charging a \$25 fee in 2023.

This initial cost will be charged directly to the delinquent property owner and not the Township. Any accounts that are paid in full during this step will negate the need for the Township to pay PLA the \$40 plus certified postage charge that was previously charged at our first collection step (this charge to the Township will now be moved to the second step). The benefit for the property owner is that payment at this initial step will come at a cost of only \$25, saving the property owner approximately \$21 from the prior first step. With this change, the first two steps of the collection process will come at a cost of only \$65 plus certified postage to the delinquent property owner.

The Township is in receipt of a contract amendment and ordinance that will allow PLA to start charging for the validation notice next year. The first step of amending the contract is authorizing the advertisement of the ordinance prepared by PLA. Mr. Davis made a motion to advertise the Portnoff ordinance amendment. Mr. Laverty seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

ITEMS NOT ON THE AGENDA: None.

PUBLIC COMMENT: None.

EXECUTIVE SESSION: The Board met in executive session from 6:30 p.m. to 6:50 p.m. and again from 8:10 p.m. to 8:30 p.m. with staff and a landowner to discuss real estate matters.

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

- August 9, 2022 at 6:30 pm (work session)
- August 9, 2022 at 7:30 pm (regular meeting)

The August 2, 2022 work session will be canceled.

ADJOURNMENT / CONTINUANCE: At approximately 8:30 p.m. the Board agreed to adjourn the meeting.

Mandie Cantlin, Secretary