

East Bradford Township Board of Supervisors Meeting Minutes October 5, 2023

The October meeting of the East Bradford Township Board of Supervisors (BOS) was held on October 5, 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 October 2, 2023. Copies of the agenda were available for attendees.

Board members present:

Bruce W. Laverty, Esquire, Chair
J. Patrick Davis, Member
John Snook, Vice Chair

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
Rich Phifer, Property and Recreation Director
Peggy Lennon, Director of Finance
Mark Lucas, P.E., Township Engineer

Staff/Professionals absent: None

Others in attendance: Six guests were present.

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

PUBLIC COMMENT: Brett Williams (Sconnettown Road) was in attendance to discuss his no-impact home-based landscape business operation. He was in receipt of communication from the Township that indicated he was required to store his mowers in an enclosed trailer so that they were not visible. In lieu of purchasing an enclosed trailer, he has opted to install sides on his open trailer and drape a tarp over it. The end result – shielding the mowers from public view – he argues is the same. The Board was in general agreement. Given that this is a zoning matter, Ms. Campisi will evaluate this alternative.

Mr. Snook raised the topic of the driveway Mr. Williams shares with his neighbor (Callaghan). Williams explained that there are safety concerns with moving his driveway to the northeast, which is why the lots were created with a shared drive. It is unknown whether Callaghan has considered shifting his driveway to the southwest.

ANNOUNCEMENTS:

1. October 14 – Tire Recycling Event; Township Building; 9:00 a.m. – 1:00 p.m.
2. October 21 – Paper Shredding Event; Township Building; 9:00 a.m. – 1:00 p.m.
3. October 22 – Autumn Festival; East Bradford Park
4. November 11 – Intro to Orienteering; Harmony Hill Nature Area

PUBLIC HEARING: At approximately 6:43 p.m., Chair Laverty convened a public hearing to consider an Ordinance authorizing the Township to enter into an intermunicipal Fire Services Agreement with West Bradford Township and the West Bradford Fire Company. The hearing was advertised in the Daily Local News on September 26, 2023. Under the current agreement, East Bradford has contributed \$43,000 per year over the five-year term (2019-2023). The new agreement has an escalating contribution to account for cost increases over time:

2024	\$55,668
2025	\$60,429
2026	\$62,241
2027	\$64,109
2028	\$66,032

Mr. Snook made a motion to adopt Ordinance 02-2023, authorizing execution of the Fire Services Agreement with West Bradford township and West Bradford Fire Company. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

The hearing concluded at 6:44 p.m.

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

1. Minutes from:
 - a. September 7, 2023 6:30 pm
 - b. September 14, 2023 6:30 pm
2. Recognition of Executive Sessions: September 7, 2023 (personnel, litigation)
3. Bills to Pay for October 2023
4. Financial Report for August 2023
5. Records Disposition Resolution: None

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

BUSINESS:

1. 2024 Budget – The Supervisors and staff met between 5:00-6:30 p.m. to discuss the preliminary draft of the 2024 Budget.
2. 203 Wencin Way Lot Line – The Supervisors discussed this lot line issue on September 7, 2023. During that meeting, the Board indicated that they were not inclined to take any action, given that there is no real Township issue to be solved. Further, given that the property sale has already occurred, they preferred that the new owner approach the Township as opposed to the prior owner. Ms. Cantlin reported that she conveyed the Board's position to the prior owner but learned that the prior owner signed an agreement to clear the title for the property. With that in mind, Ms. Cantlin worked with the solicitor's office to outline the steps they would need to follow. At this point, the ball is in their court.
3. 940 Hillsdale Road – The applicant, Ed Rudloff, was in attendance. The applicant is asking the Board to consider action on the Preliminary/Final two lot subdivision plan to subdivide the existing lot into two new lots. The applicant proposes to retain (and renovate) the existing home and construct a new home. At their meeting on September 26, 2023, the Planning Commission recommended approval of the plan subject to conditions and also recommended approval of the three waiver requests.

Mr. Davis made a motion to grant approval of the Preliminary/Final Subdivision Plan for 940 Hillsdale Road dated April 11, 2023, last revised September 11, 2023, consisting of eight sheets. The plan was prepared by Yohn Engineering, LLC and includes a landscape plan. Mr. Davis's motion was subject to the following conditions:

- a. Any existing bamboo on the property shall be removed and a deep root barrier shall be installed to prevent the bamboo on the adjoining property from encroaching onto this property. This shall be completed prior to the issuance of a Certificate of Occupancy for the renovations to the home on Lot 2.
- b. The landscape plan shall be revised to address the comments in the review memo prepared by Thomas Comitta Associates, Inc. dated September 21, 2023. The applicant shall work with Thomas Comitta Associates, Inc. on the final landscape plan.
- c. The applicant shall provide the required number of trees and shrubs in the buffer area adjacent to the new home where it abuts 960 Hillsdale Road.
- d. The Environmental Impact Assessment shall list West Chester (not Malvern) in the address of the property.
- e. New deeds shall be prepared for each lot. The new deeds shall be subject to the approval of the Township Solicitor prior to recording the Final Plan. Both deeds shall address the blanket easement on Lot 1 for maintenance/replacement of the electric line servicing Lot 2.

- f. The proposed on-lot sewage disposal systems shall be subject to the approval of the PA Department of Environmental Protection and the Chester County Health Department per Section 95-29.J(1) prior to recording the Final Plan.
- g. The proposed water supply well on Lot 1 shall be subject to the approval of the Chester County Health Department per Section 95-30.D(4) prior to recording the Final Plan.
- h. Per Section 95-8.C(6), a stormwater management maintenance agreement shall be executed and recorded in the chain of title for the stormwater facilities to be constructed on the dwelling lots.
- i. All sheets in the plan set shall be recorded.
- j. The following addresses shall be added to the plan prior to recording:
 - i. Lot 1: 940 Hillsdale Road
 - ii. Lot 2: 930 Hillsdale Road
- k. The boundary of the R-3 and R-2 zoning district shall be added to the plan per Section 95-13B7.
- l. The applicant shall comply with the requirements in Sections 95-8C and 95-14I.
- m. The Applicant shall reimburse the Township for any outstanding bills and fees related to the application.
- n. The property owner(s) shall comply with all applicable federal, state, county, and local ordinances and laws regardless of specific mention herein, unless waivers have been granted.

Mr. Davis also recommended approval of the following waivers requests:

- a. Waiver from Section 95-25.1F(2) to allow planting outside of the required 25-foot buffer as the existing tree canopy within the buffer is detrimental to the health of the proposed plantings.
- b. Waiver from Section 95-25.1F(1)b to provide fewer than that required trees and shrubs due to the density of the existing trees and shrubs in the rear yard as follows:

Planting Type	Required	Credit for Existing	Provided	Difference
Shade trees	57	12	33 (14 shade & 19 understory)	12
Evergreen trees	57	23	30	4
Shrubs	190	0	50	140

- c. Waiver from Section 95-25.1 to substitute understory trees for shade trees.

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

- 4. 20 S. Bradford Avenue – The enforcement action for non-permitted earth disturbance has been on hold (for a variety of reasons) since 2016. The most recent time extension will expire at the end of this year. Ms. Cantlin distributed a draft letter for the Board’s consideration that would require two actions:
 - a. By December 31, 2023, the property owner would need to provide a point of contact with Saint Agnes who would be able to work with the Township to marshal this matter to completion.
 - b. By July 31, 2024, the property owner would need to submit an Erosion and Sediment Pollution Control and Stormwater Management Permit application containing all the necessary plans, calculations, and details as required by Chapter 90 of the Township Code and all the application guidelines showing adequate erosion control devices to be installed downslope of the disturbed areas.

The Board is amenable to this approach.

5. Holy Ascension Church – The applicant is proposing to retain the existing church while constructing a new church and social hall and expanding the existing parking lot. The applicant is seeking the following relief and variances and any other relief that the Zoning Hearing Board (ZHB) deems necessary to construct the improvements described above and as shown on plans submitted with the application. Specifically, the applicant is seeking:
 - a. Special exception approval to expand the existing church use and a modification of the conditions of approval of a prior special exception approval for the existing church use.
 - b. A modification from Section 115-58B(2)(e)[4] to permit 95 parking spaces where 110 are required.
 - c. A modification from Section 115-56B(1) to permit a 24-foot-wide main access driveway where a 28-foot-wide driveway is required.
 - d. A determination from the ZHB that a transportation impact analysis is not required by Section 115-86F. In the alternative, the applicant requests a variance from 115-86F to not provide a transportation impact analysis.

At their meeting on September 26, 2023, the Planning Commission voted unanimously to support the relief. The Planning Commission agreed with the applicant that a traffic impact study is not required. The ZHB hearing is scheduled for October 16, 2023.

Mr. Snook made a motion to support the application. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

6. Zoning Code Update Project – There was no discussion.
7. West Whiteland 537 Plan Review – West Whiteland forwarded a draft update to their Act 537 Plan. Mr. Lucas reviewed the update and provided comments. The Board agreed to send Mr. Lucas's review to West Whiteland.
8. Sale of Miscellaneous Items – Mr. Behmke asked the Board to authorize the auction of several items:
 - a. Office chairs
 - b. Bob Cat Tool Cat
 - c. Bob Cat mini excavator

Mr. Snook made a motion to authorize the auction of the three items listed above. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

9. West Chester Fire Agreement – The Board received updated contribution calculations from the Borough on October 4. East Bradford's proposed contribution only increased between \$44-\$50 per year over the five-year cycle. Again, the Board was accepting of the contribution rate, but urged the Borough to promptly complete the agreement process.
10. Emergency Volunteer Responder Tax Incentives – Late last year, the West Chester Fire Department asked the Township to consider an emergency volunteer responder 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 in February of this year. Recently, Ms. Lennon has been working to prepare the ordinance and resolution that would be required to implement this incentive. Mr. Snook made a motion to authorize advertisement of the EMS volunteer tax incentive ordinance. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.
11. Volunteer Fire Relief Fund Distribution – Ms. Lennon reviewed the fund distribution (same as prior years):
 - a. West Chester Volunteer Fire Relief Association (VFRA): 45%
 - b. West Bradford VFRA: 45%
 - c. Good Fellowship Ambulance VFRA: 10%

There was some discussion about why the relief is split evenly between the fire companies given the difference in the coverage area populations. This has been discussed in the past, and the main reasons for the distribution include the fact that the West Chester fund is more robust than West Bradford's, and that the percentage is documented in the agreement. There was no further discussion.

12. Defined Benefit Pension Plan – Ms. Cantlin announced that the minimum obligation for 2024 for the Township pension plan is \$107,871, which is down \$5,245 from this year.
13. Eagle Scout Project – The Parks and Recreation Board has recommended approval of an Eagle project by Ben Pentz at Paradise Valley Nature Area. Mr. Pentz proposes to construct and install a two-sided visitor information kiosk at the Valley Creek Road parking area that serves Paradise Valley Nature Area. One side of the kiosk would feature the Township's standard bulletin board case for sharing information to the public. The other side of the kiosk would serve as a Free Fly Library, a cabinet where anglers can freely leave/take free fishing flies or lures for one another, similar to the little free book library concept, only for fishing gear instead of books, given how popular the parking area is for people that fish West Valley Creek. The Board approved this project.
14. Codes and Zoning Position – The Board authorized the staff to engage Bob Cox (\$2,500-\$3,000) to assist with the recruitment of this position.

ITEMS NOT ON THE AGENDA: None

PUBLIC COMMENT: Jean Renshaw was in attendance on behalf of the Historic Commission to discuss the PECO pole that is slated for placement at 145 Lucky Hill Road. Both the Historic Commission and the property owner are opposed to the placement of the pole (which is higher and includes additional communication structures) given the historical significance of the property.

While the Township has no substantial authority in this situation. Ms. Cantlin emailed PECO on September 26 and asked that they respect the history of this setting. The Board authorized the Historic Commission to send a letter on Township letterhead to PECO expressing their concerns.

NEXT MEETINGS:

1. October 12, 2023 at 6:30 pm – CANCELED
2. November 2, 2023 at 6:30 pm (regular meeting)
3. December 7, 2023 at 6:30 pm – CANCELED
4. December 14, 2024 at 6:30 pm (regular meeting)

EXECUTIVE SESSION: The Board met with staff in executive session between 7:15 p.m. and 7:45 p.m. to discuss litigation and personnel matters.

ADJOURNMENT / CONTINUANCE: At approximately 7:45 p.m., Mr. Lavery made a motion to adjourn the meeting.

Mandie Cantlin
Secretary