

East Bradford Township Board of Supervisors Meeting Minutes November 2, 2023

The November meeting of the East Bradford Township Board of Supervisors (BOS) was held on November 2, 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 31, 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:

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:

Randy Behmke, Director of Public Works

Others in attendance: Two guests were present.

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

PUBLIC COMMENT: None.

ANNOUNCEMENTS:

1. November 11 – Intro to Orienteering; Harmony Hill Nature Area

PUBLIC HEARING: None

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

1. Minutes from:
 - a. October 5, 2023 5:00 pm (budget)
 - b. October 5, 2023 6:30 pm (regular)
2. Recognition of Executive Sessions: October 5, 2023 (personnel, litigation)
3. Bills to Pay for November 2023
4. Financial Report for September 2023

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

BUSINESS:

1. 2024 Budget – Ms. Lennon presented an updated budget to the Board. Input received last month has been integrated into the current draft. The Board reviewed a few highlights from last month's discussion:
 - a. General Fund
 - i. The CPI (CPI-U) is holding at 3.7%.
 - ii. The 0.25 mill tax increase is included. Last month, the Board discussed the messaging surrounding a tax increase, noting that the increase is needed simply to maintain the present service level. After discussion, they agreed not to include anything on the tax bill itself (because

there is not much room), but to consider other messaging (newsletter, website, Facebook). To that end, staff will draft content for the Board's review in December.

b. Capital Reserve Fund

- i. Paving – A total of \$800,000 is budgeted for paving (\$300,000 from Capital and \$500,000 from Liquid Fuels), which will likely cover about three miles of roads.
- ii. Parks – Major projects include Plum Run Greenway (\$100,000; to be augmented by grants) and \$60,000 to evaluate replacement of the East Bradford playground. The cost for the Strode's Barn restoration (\$600,000) will be pulled from the Open Space Fund. While funding for the Mercer's Mill trail design (\$20,000) was pulled last month, the Board decided to add it back into the budget after discussion. The Board and staff recognize that work on Mercer's Mill would only begin (later in the year) if the large projects already in progress (e.g., Ashbridge culvert, Creek Road culvert) do not go over budget.

Mr. Davis made a motion to authorize advertisement of the budget (with the addition of Mercer's Mill) for the December meeting. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.

2. County Property Tax Collection Agreement – The Chester County Treasurer's office (who collects the Township property taxes) has informed municipalities that their fees are increasing to \$4.00 per tax bill. For East Bradford Township, the net impact of this change will be about \$7,500 (through September 30, the Township has spent approximately \$6,870 on tax billing; Ms. Lennon expects to spend about \$15,500 next year). Mr. Snook made a motion to adopt Resolution 20-2023, authorizing the County to collect the Township real estate tax and to authorize Bruce Laverty to execute the Agreement on behalf of the Board. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.
3. Emergency Volunteer 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. Last month, the Board authorized advertisement of a tax incentive ordinance that was based on West Goshen's model. However, in working with the Township solicitor to refine the ordinance, the staff learned about several aspects that have to be considered more closely before adopting the legislation. First, the schedule has to be amended to align the issuance dates of the real estate and/or earned income taxes. Second, the appeal process has to be refined. This will take some additional time to work through, so this incentive will not be in place for 2024.
4. Zoning Code Update Project – Ms. Campisi distributed the draft sign ordinance language. The Planning Commission reviewed this section in October and the County incorporated their feedback. Ms. Campisi highlighted several aspects of the amended Code section:
 - a. She noted that the County planned to move the sign definitions into the Sign ordinance. However, after discussion, the Board agreed the definitions should remain contained in the designated Definitions Chapter of the Code. Mr. Snook recommended that the sign definitions be grouped under "Sign" so that they are all together. Cross references can be used for clarification.
 - b. Illustrations will be added to enhance understanding.
 - c. Definitions and standards were added for institutional, agricultural/recreation/conservation, personal expression, and election signage. On the topic of election signs, there was discussion about the Township's policy to remove election/political signs from Township properties. This policy is slated to be incorporated into the regulations. Mr. Snook and Mr. Laverty spoke in favor of allowing election signs in the rights-of-way on Township lands until such a time as the revised regulations are adopted. On the other hand, Mr. Davis does not believe public lands should be used for this purpose. With the general election occurring next week, Ms. Cantlin suggested that the Board revisit this topic next winter/spring, before the primary election.
 - d. The revised language limits billboards to the Section of Route 322 between the Route 322 Bypass and West Chester Borough, within Industrial and C-2 Zones. The Board agreed that allowing billboards in the Industrial Zone off of Boot Road would not be appropriate given the residential zones that are adjacent.

Digital signage would require conditional use approval and the maximum size will be reduced to 150 square feet due to the speed limit of Route 322.

5. 855 Conner Road (HR #43) – The owner/applicant, Billy Latta, was present along with Matt Miller. The property owner is seeking approval to remove all interior wood framing, exterior walls, and the existing metal roof due to deterioration and replace with in-kind materials. The stone foundation will remain and will be repointed and reinforced. The Historical Commission reviewed the application in October and recommended approval. Mr. Davis made a motion to approve the demolition and reconstruction permit for 855 Conner Road, as submitted. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
6. Strode's Barn Signage – Two separate signs have been designed for placement at Strode's Barn. The first is a Pennsylvania Historic and Museum Commission (PHMC) grant-required acknowledgement sign that recognizes the PHMC as a funding partner on the barn restoration project. The second is a sign that promotes the Township's partnership with Friends of Strode's Mill (FOSM) and PHMC and includes a concise appeal for support towards the FOSM. The Township Historic Architectural Review Board recommended the issuance of a Certificate of Appropriateness for the signage, which would temporarily remain on the site for up to two years. Mr. Davis made a motion to approve the Certificate of Appropriateness for the signage. Mr. Snook seconded the motion. There was no discussion and the motion passed unanimously.
7. PECO Green Region Grant for Shaw's Bridge Signage – The Township staff plans to apply for a \$5,000 PECO Green Region Program grant for site and wayfinding signage for the Brandywine Creek Water Trail and new canoe launch at Shaw's Bridge Park. This grant funding would match the \$5,000 mini-grant that the Brandywine Conservancy awarded to East Bradford for this project. Mr. Davis made a motion to adopt Resolution 21-2023, authorizing the grant submission. Mr. Laverty seconded the motion. There was no discussion and the motion passed unanimously.
8. Highland/Strasburg Intersection – Earlier in the summer, the staff worked with Mark Hood, P.E. via Pennsylvania's Local Technical Assistance Program (LTAP) to evaluate the intersection of Highland and Strasburg Roads. The report presented a range of recommendations to improve the intersection – from low-cost improvements, like trimming vegetation and installing signage, to more complex approaches, such as restricting traffic flow. During their October meeting, the Traffic Committee recommended that the Township start by investigating the following lower-cost options:
 - a. Approach neighboring property owners to discuss strategies to improve sight distance (e.g., grade embankments, trim vegetation).
 - b. Research new signage and possible pavement markings for the intersection.The Board was supportive of this general direction. Mr. Snook indicated that he would not be in favor of modifying the traffic flow (i.e., one way). The Board suggested that the Township keep an eye towards installing a traffic signal in this location and commence the process of obtaining the required approvals and budgeting the funds that would be needed.
9. Trash Cessation Program – Back in 2018, there was discussion about the Township's trash cessation policy, which was adopted in 1992. At that time, the Board started to evaluate the cost/benefits of the program but did not make any changes. Mr. Laverty suggested beginning the process again, starting with legal input from the Township Solicitor.
10. Sale of Items – last month, the Board authorized the sale of several items on Municibid. Bids were accepted through Municibid until Tuesday afternoon, October 31, 2023. The Township received the following bids:
 - a. Bob Cat mini excavator – The Township received 3,068 views and 93 bids with the top bid being \$40,500.00.
 - b. Bob Cat Tool Cat – The Township received 3,427 views and 98 bids with the top bid being \$34,600.00.
 - c. Office chairs – No bids received.

Mr. Behmke made the following recommendation:

- a. Award the Bob Cat mini excavator to Wendell Shertzer for the sum of \$40,500.00
- a. Award the Bob Cat Tool Cat to Paul Granger for the sum of \$34,600.00.

- b. Post the office chairs as a free item on social media. If no one takes them, the Township can dispose of them.

Mr. Davis made a motion to award the items to the bidders and at the prices as recommended by Mr. Behmke. Mr. Laverty seconded the motion. There was no discussion and the motion passed unanimously.

- 11. SPCA 5-Year Agreement – The SPCA distributed amended and updated agreements to Chester County municipalities for animal protection services. A summary of the old and new fees is provided below:

Fee	Prior Agreement	Proposed Agreement	Difference
Annual Fee	\$1,639.09/year	\$2,000.00/year	\$360.91
Maintenance Fee	N/A	\$300.00/month	\$300.00
Animal Acquisition Fee	\$109.27/animal	\$200.00/animal	\$90.73
Activity Fee	\$43.70/call for service	\$65.00/call for service	\$21.30
Unclaimed Stray Fee	\$54.63/animal	N/A	-\$54.63
Emergency Fee	\$109.27/after-hour service	\$250.00/after-hour service	\$140.73
Annual Increase	3%	4%	1%

When Chester County municipalities were first informed about the rate increases, there was a lot of push back. Three managers met with the SPCA in October on behalf of the group to scrutinize their proposal. The end result of that discussion was that the managers concluded that the proposed increase was more than justified. In actuality, the SPCA is significantly subsidizing the cost of these services to Chester County municipalities and could be justified in increasing fees higher than they are. Ms. Cantlin noted that there is an amended version of the agreement that is being distributed to municipalities and that this more recent version is the one the solicitor is amenable to adopting. Therefore, the Board opted to wait for the revised agreement before taking action.

- 12. Verizon Franchise Agreement – The Township is in receipt of a proposal from Cohen Law Group to assist with our cable franchise renewal with Verizon. They are providing proposals to a group of Chester County municipalities in an effort to defray the cost of the service. In addition to the renewal negotiation service, the proposal includes a franchise fee audit to determine whether Verizon has paid the Township all of the franchise fee revenue to which it is entitled. East Bradford’s cost will be determined by the number of municipalities that participate:

20+ municipalities	\$8,400
14-19 municipalities	\$8,925
8-13 municipalities	\$9,450
2-7 municipalities	\$9,975
Only East Bradford	\$10,500

The draft 2024 Budget includes \$10,000 for this purpose. Mr. Snook made a motion to authorize Cohen Law Group to assist with the cable franchise renewal with Verizon for a cost of up to approximately \$10,000. Mr. Davis seconded the motion. There was no discussion and the motion passed unanimously.

- 13. West Bradford Fire Agreement – Last month, the Board authorized execution of the Fire Services Agreement with West Bradford with a year-one cost of \$55,668. However, there was a typo in the agreement and this figure should have been \$58,668 (\$3,000 more). Mr. Davis made a motion to authorize payment of \$58,668 in 2024 to West Bradford Fire Company for fire services. Mr. Laverty seconded the motion. There was no discussion and the motion passed unanimously.

14. West Chester Fire Agreement – West Chester Borough has confirmed that the contribution rates for the next five years are set, but Kristin Camp is still working on the agreement language. Therefore, the Board is not in a position to authorize advertisement of the ordinance. As soon as the agreement is available, Ms. Cantlin will distribute it to the Board for review. A supplemental meeting could be added if needed or the adoption of the agreement could extend into January. For reference, the contribution rates for East Bradford are:

2024	\$182,702
2025	\$188,855
2026	\$195,228
2027	\$201,829
2028	\$208,666

15. ABC Term Expirations and Vacancies – Ms. Cantlin distributed an initial outline of advisory board/commission appointments for 2024. Mr. Snook asked for clarification related to the Zoning Hearing Board vacancy. Ms. Cantlin clarified that the vacancy will be for one of the alternate roles.
16. Professional Rates – Ms. Cantlin distributed an initial outline of professional service rates for 2024. There was no discussion.

ITEMS NOT ON THE AGENDA: Ms. Lennon asked the Board to consider action on two resolutions that will be needed for the Township to submit infrastructure grants to the State via the Local Share Account program. Mr. Snook made a motion to add this topic to the agenda on the basis that the matter arose within 24 hours of the meeting. Mr. Lavery seconded the motion. There was no discussion and the motion passed unanimously.

Mr. Davis made a motion to adopt:

1. Resolution 22-2024 authorizing the submission of an LSA grant in the amount of \$575,000 for the Creek Road culvert replacement; and
2. Resolution 23-2024 authorizing the submission of an LSA grant in the amount of \$680,000 for the Ravine Road stabilization and bridge replacement.

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

PUBLIC COMMENT: None.

NEXT MEETINGS:

1. November 9, 2023 at 6:30 pm – CANCELED
2. December 7, 2023 at 6:30 pm – CANCELED
3. December 14, 2023 at 6:30 pm (regular meeting)

EXECUTIVE SESSION: The Board met with staff in executive session between 7:55 p.m. and 8:00 p.m. to discuss pending litigation for codes enforcement and personnel matters pertaining to recruitment, selection, and promotion efforts.

ADJOURNMENT / CONTINUANCE: At approximately 8:00 p.m., Mr. Davis made a motion to adjourn the meeting.

Mandie Cantlin
Secretary