

# East Bradford Township Board of Supervisors Work Session Meeting Minutes February 6, 2020

The February work session meeting of the East Bradford Township Board of Supervisors (BOS) was held on February 6, 2020 in the East Bradford Township Building, 666 Copeland School Road, West Chester, County of Chester, PA 19380-1822.

Board members present:

Vincent M. Pompo, Esquire, Chair  
John Snook, Vice Chair  
J. Patrick Davis, Member

Board members absent: None

Staff/Professionals present:

Mandie Cantlin, Township Manager/Secretary  
Randy Behmke, Director of Public Works  
Rich Hicks, Building Code Official/Codes Enforcement Officer  
Mark Lucas, P.E., Township Engineer  
Michael P. Lynch, Director of Finance  
Rich Phifer, Property and Recreation Director

Staff/Professionals absent: None

Four guests were in attendance.

**CALL TO ORDER:** The meeting was called to order at 12:00 p.m. by Chair Pompo.

**PUBLIC COMMENT:** None

**EXECUTIVE SESSION:** The Board met in executive session during this meeting between 2:45 p.m. and 3:15 p.m. to discuss real estate matters. Board members were in attendance along with staff.

## **BUSINESS**

### 1. Zoning / Building / Codes / Legislation

- a. HR 134 Millers House (Strode's Mill District) – The property owner, Brian McFadden, was present and represented by John Jaros, Esquire. Mr. McFadden purchased the property in 2019 and the house was in extremely poor condition. Work commenced on the house without approvals of the HARB. Stucco repairs, vinyl windows, window capping, and new doors were completed without meeting the requirements associated with Section 115-124 of the Code.

The HARB conducted a hearing in January and recommended a Certificate of Appropriateness be issued for the following items to be remediated:

- Restore both chimneys to be period appropriate.
- Replace front doors (Lenape Road side of house) to either board and batten or raised panel doors; aluminum storm doors may be added that are full pane glass to protect the new doors and make building more weather tight.
- Shutters may be added to first floor on the Lenape Road side where the shutter dogs exist; only wood shutters may be used.
- Lighting may be added next to the doors, but lights must be period appropriate.
- Rakes and fascia are to be replaced to period appropriate style.

Mr. McFadden indicated that he was amenable to all the conditions with the exception of the first that deals with the chimneys. He indicated that one chimney had been removed prior to his acquisition of the property. He maintains that a full restoration would be overreaching.

Mr. Davis made a motion to issue a Certificate of Appropriateness, subject to the complying with the HARB recommendation with the exception of the chimney restoration:

- Replace front doors (Lenape Road side of house) to either board and batten or raised panel doors; aluminum storm doors may be added that are full pane glass to protect the new doors and make building more weather tight.
- Shutters may be added to first floor on the Lenape Road side where the shutter dogs exist; only wood shutters may be used.
- Lighting may be added next to the doors, but lights must be period appropriate.
- Rakes and fascia are to be replaced to period appropriate style.

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

- b. HR 140 Strode's Mill (Strode's Mill District) – The property owner recently replaced the existing shake shingle roof on the Mill with new shake shingles. However, the cupola was not replaced because it had leaked and caused damage to the structure. The cupola had been installed in 1994 when the applicant applied to replace the existing metal roof with shake shingles. The HARB had no objections to the removal of the cupola and recommended that a Certificate of Appropriateness be issued. Mr. Davis made a motion to issue a Certificate of Appropriateness. Mr. Snook seconded the motion. There was no further discussion and the motion passed unanimously.
- c. HR 101 Georgia Farm – In January, Bob Johnson and Lou Schneider presented the proposal to demolish approximately 80% of the garage/tenant house to the Historical Commission. The Commission recommended approval of the partial demolition request but asked that the proposed improvements be delayed until after the applicant presents the proposed materials to the Commission (e.g., window, garage doors, roofing). Mr. Davis made a motion to grant demolition approval, subject to final presentation to the Commission. Mr. Snook seconded the motion. There was no further discussion and the motion passed unanimously.
- d. HR 355 Plum Run Dam – Brian Winslow from Brandywine Red Clay Alliance (BRCA) was in attendance. In January, Mr. Winslow discussed his request to demolish 60 feet of the dam wall with the Historical Commission. Approximately 180 feet of the wall would remain. After discussion, the Commission recommended that the Board of Supervisors approve the partial demolition request, subject to PHMC's recommendations regarding a Phase I Archeological Survey and any follow-up actions. PHMC submitted a letter in response on January 24, 2020 indicating their conclusion that the proposed project would have no effect on archaeological resources. There was discussion about use of the stone that will be removed as part of the demolition. BRCA is willing to provide the stone to the Township for its future use. Mr. Davis made a motion to grant demolition approval. Mr. Pompo seconded the motion. There was no further discussion and the motion passed unanimously.
- a. 1109 Clover Hill Major Home Occupation – The enforcement notice was issued on December 19, 2019. The property owner had 30 days to comply with the notice. The Township inspected the property at the end of January and found that the chemical tank remained in the waterway. The Township did not observe any business-related activities during the inspections. Unruh, Turner, Burke and Frees is in the process of filing a non-traffic citation for the known violations.
- e. St. Agnes Property – Last fall, the Township received a letter dated December 2, 2019 from Michal Gavin on behalf of St. Agnes. The letter requested that: 1) the Township consider the notice of violation dated September 30, 2016 resolved with the agreement that the applicant will file an E&S Permit if and when the scope of a conservation easement is established and 2) the Township will assist St. Agnes in securing a conservation easement. Ms. Cantlin distributed a draft response letter for Board consideration. The Board agreed to grant a three-year extension to file the E&S permit and to provide cooperation and support relative to seeking grant funding for a conservation easement.

- b. Fair Districts Resolution – During the January 14 Supervisors meeting, representatives from Fair Districts PA asked the Board to adopt a resolution in support of the creating of an independent citizen restricting commission in the hopes of ending political gerrymandering. The Board is prepared to adopt the resolution on Tuesday.
- c. Refugee Resettlement – On September 26, 2019, President Trump issued Executive Order (EO) 13888 that went into effect on December 25, 2019. The EO requires the state and a locality to provide written consent permitting refugees to resettle in their communities. The Chester County Board of Commissioners was concerned with consenting to refugee resettlement on behalf of the individual municipalities. Therefore, in order to allow those municipalities that wish to welcome refugees into their community, the Commissioners sent a letter to Secretary Pompeo consenting to initial refugee resettlement in any assenting municipality in Chester County. By doing this, the Commissioners believe it would be up to each individual municipality to decide whether they want to accept initial refugee resettlement. However, there is a Preliminary Injunction blocking the Order). Given that the EO is currently blocked, the Board agreed there was no need to give this matter further consideration at this time.
- d. RBA & Wireless Amendments – Ms. Cantlin revisited draft legislation that was tabled last year. The most recent draft includes several minor changes relative to the RBA. The Board agreed to distribute the proposed revisions to the planning commissions (Township and County) for review in advance of advertising.

1. Subdivision / Land Development / Planning

- a. SD #646 McFadden – The property owner, Brian McFadden, was present and represented by John Jaros, Esquire. This matter will be on the Board's February 11 agenda for consideration. Ms. Cantlin distributed a draft motion for the Board's review. There was discussion about the recommendations from various entities with regards to the façade of the new dwelling. Mr. McFadden indicated that he is not amenable to a deed restriction but agreed that the architectural elements of the proposed dwelling would generally be similar in character to the immediately surrounding neighborhood and historic district.
- b. SD #638 J. Roberts (Abernethy) – The time clock for the application will expire on February 24, 2020. The Township is in receipt of a time extension request through March 10, 2020. The applicant is currently working to address the last round of review comments, most notably provisions pertaining to the removal of woodlands. The Supervisors asked Ms. Cantlin to research how this provision has been dealt with in prior applications. Mr. Pompo made a motion to grant approval of the time extension request. Mr. Snook seconded the motion. There was no further discussion and the motion passed unanimously.
- c. SD #641 West Chester Crossing (DLN) – PennDOT is willing to allow a pedestrian crossing from the site to the Bradford Plaza shopping center, provided it includes the installation of a Rectangular Rapid Flashing Beacon (RRFB). The pedestrian actuated device would flash only when a pedestrian presses the push button to cross. This would be considered a traffic signal which the Township would need to maintain after it is installed. Signal Service estimates that it would add about \$100 to the maintenance contract. The Board was amenable to owning and maintaining this signal.

There was also discussion about the recreational open space (or fee in lieu thereof) provision of the Code and whether the common area proposed in the middle of the community would meet the requirements of the Code. The Parks and Recreation Board expressed opposition to this area being counted unless it was available for public use. The staff will look at the provisions of the Code.

2. Parks / Trails / Recreation

- a. Jefferis Ford Signage Project – The Board reviewed the final draft of the proposed sign verbiage:

*Around 11am, Sept. 11, 1777, British Generals Howe and Cornwallis crossed the Brandywine Creek with approx. 11,000 Crown Forces here at Jefferis Ford. After marching 10 miles from Kennett Square, this was the second unguarded ford they crossed to outflank General Washington's defense of Chadds Ford. From this point, they continued their march up the "Great*

*Defile” of Birmingham Road to Sconnelltown and on to Strode’s Mill farmstead where they rested before launching a mile-wide attack on Washington’s Troops.*

Mr. Snook made a motion to approve the verbiage. Mr. Davis seconded the motion. There was no further discussion and the motion passed unanimously.

b. Plum Run Corridor / BRC Project

- i. Consider phase I landowner agreements – There are two landowner-related agreements for the Board’s consideration. The first agreement is a license agreement between Toll Brothers (the current landowner) and East Bradford (the future landowner). The agreement grants the Township the right to maintain the tree plantings while Toll is still the owner. The insurance company has reviewed the insurance provisions of the agreement. The Board suggested adding verbiage to preserve the Township’s sovereign immunity rights.

The second is a landowner agreement between Stroud Water Research Center and the Township for phase I of the Plum Run restoration. The Agreement recognizes that the Township *will* own the subject property at some point in the future and wishes to implement forested buffers in accordance with the Plum Run Corridor Master Plan. Because the two agreements are related, the Board will consider action once the sovereign immunity language is added to the license agreement.

- ii. Consider phase III grant resolution and agreement – Mr. Phifer is preparing to submit an application for a 2020 Chester County Municipal Assistance grant seeking \$85,000 as match to the Brandywine Red Clay Alliance’s PA Growing Greener grant funds (\$176,112) for Phase III of the Plum Run Stream Restoration project which will occur on the Strode’s Barn property in 2021. Mr. Snook made a motion to adopt Resolution 05-2020 authorizing the application. Mr. Davis seconded the motion. There was no further discussion and the motion passed unanimously. Mr. Phifer also asked the Board to execute the signature page of the grant agreement that would become effective if the grant is awarded.

3. Public Works / Roads / Facilities

- a. Tree Assessment along Roads – Last spring, the Township initiated a strategy to routinely assess (and remedy) tree hazards along roadways. John Hosbach, the arborist the Township typically works with for assessments, recommended an approach that provides an assessment that separates potential hazards into two or three priorities with the intention to address the hazards over several years. This fall, the Township initiated this program, beginning with Valley Creek Road. Mr. Hosbach assessed the roadway and generated a report that identifies about 125 trees that he recommends be removed over three years.

The Supervisors discussed several aspects of this effort and this assessment in particular – method of identifying trees, prioritization and timing, budget implications, and engagement with property owners. Mr. Pompo noted that the Second Class Township Code requires that trees removed in the right of way be offered to the adjoining property owner. Mr. Davis inquired about whether there would be an option to sell any of the wood.

As an interim step, the Board directed the Township to proceed with the removal of the one tree identified as an extreme hazard and to discuss with Mr. Hosbach strategies to minimize the cost associated with this effort.

- b. Ravine Road Cameras – The Township recently repaired the Ravine Road Bridge from damage that occurred last fall. When the Board approved the expenditure for the repair, they asked the staff to revisit the use of cameras at this intersection. Mr. Behmke investigated cameras at this location and is recommending two cameras – an infrared one and a license plate camera. The cameras cost about \$700 each and the cable box enclosure to camouflage the installation is about \$150. Therefore, the total cost to install the cameras would be about \$2,000. The Board authorized staff to proceed with the purchase and installation.

4. Finance / Budget

- a. Financial Process Review – Last month, the Board discussed the value of conducting an outside review of the Township’s financial processes and procedures to determine whether there are any weaknesses in our financial system that should be strengthened. The Board suggested obtaining a proposal from Dave Woglom. The Supervisors were in receipt of a proposal from Mr. Woglom for this purpose. Mr. Davis made a motion to accept the proposal from Mr. Woglom and commence the review. Mr. Snook seconded the motion. There was no further discussion and no public comment. The motion passed unanimously.
- b. PLGIT Investment Strategy – One year into the investment of the sewer funds, Mr. Lynch prepared an investment strategy memo for the Board’s consideration. Mr. Lynch is recommending that the Township continue with the current conservative approach and investment mix and retain PLGIT as the primary institution. The Board was supportive of this approach.
- c. Enforcement Fees – There was discussion about the Township’s process with regards to attempting to collect fees from property owners involved in enforcement actions. Looking back over about two years, enforcement actions (that do not advance to the level of citation) have probably cost a total of about \$5,000. Ms. Cantlin suggested sending property owners a letter at the beginning of an enforcement action to inform them that they will begin to incur costs. Invoices would then be sent through the process. The Board was amenable to this approach.

5. Advisory Boards and Committees

- a. Parks & Recreation (P&R) Board Membership – The P&R Board continues to recommend Matt Maturani and Mark Beaugard as new members to the Board, given the Supervisors’ willingness to expand the group size. Both candidates will be in attendance at 6:00 pm on February 11, 2020 for the Board’s work session.
- b. Historical Commission – The Supervisors and staff discussed recent challenges pertaining to the Historical Commission. The Board asked the staff to draft an amendment to the Historical Commission ordinance that clarifies the role of the chair. This matter will be on the February 11 work session agenda.

6. Other / Miscellaneous

- a. Regional Energy Plan – Mr. Davis inquired about the 2020 agenda of the West Chester Area Council of Governments and specifically asked whether energy planning would be a priority topic this year. Mr. Lynch responded that he believes energy will be a prominent topic as municipalities contemplate how – and whether – to begin to implement the plan recommendations.
- b. Speed Complaints – There was discussion about resident complaints with regards to speed limits on Sconnelltown and Birmingham Roads (that Sconnelltown is too low and Birmingham is too high). The Board contemplated whether a public forum to discuss speed would be beneficial.

**ADJOURNMENT / CONTINUANCE:** At approximately 3:20 p.m. the Board unanimously agreed to adjourn the meeting.

Mandie Cantlin, Secretary