

East Bradford Township Board of Supervisors Work Session Meeting Minutes May 7, 2020

The May work session meeting of the East Bradford Township Board of Supervisors (BOS) was held on May 7, 2020. In an effort to minimize public exposure to COVID-19 and maintain social distancing, the meeting was held via Zoom teleconferencing. A public notice was published in the Daily Local News on May 4, 2020. The agenda and dial in numbers were also posted on the Township website at <https://www.eastbradford.org/government/boards-commissions/> on May 4, 2020.

Board members present:

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

Board members absent: None

Staff/Professionals present:

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

Staff/Professionals absent: None

Approximately six guests (including applicants) were in attendance.

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

PUBLIC COMMENT: No comments were received during the meeting. Mr. Pompo asked if any public comment was received via email in advance of the meeting. Ms. Cantlin confirmed that no comments were received.

BUSINESS

1. HARB Approval for 1103 Strasburg Road – Property owner, Allison Off, was in attendance. Last fall, the Historical Architectural Review Board (HARB) conducted a hearing to consider external improvements at 1103 Strasburg Road. At the time, the Offs sought approval to paint the exterior white and the HARB recommended approval based on this request. The property owner is now seeking permission to modify the paint color to taupe to match their existing house next door. The HARB indicated its support of this minor change via email. Mr. Snook made a motion to approve the color change. Mr. Davis seconded the motion. There was no discussion and no public comment, and the motion passed unanimously.
2. SD #641 West Chester Crossing (DLN) – The applicant, Toll Brothers, was present and represented by Andrew Semon and Lou Colagreco, Esquire.

Mr. Pompo observed that he still sees a number of issues that need to be resolved. There was discussion about the elevations submitted by the applicant. The new facades, which are more modern, are significantly different than the those reviewed during the conditional use process, which were more traditional. The Board examined photos of products in other locations (e.g. North Oaks Ann Arbor in MI and Franklin Station). The Board favored the loft concept provided in North Oaks and the taupe façades of Franklin Station. Mr. Semon confirmed that lofts can be accommodated in the Franklin Station design. The applicant wishes to resolve the façade issue during preliminary plan, but the Board was not prepared to take action today.

There was discussion about the Ace Hardware easement. Toll does not want to be responsible for securing the easement. Mr. Pompo indicated that the Township could secure the sidewalk via easement or could ordain it if needed. If the Township opted to ordain, Mr. Pompo asked whether the applicant would underwrite the cost of the ordinance preparation and advertisement. Mr. Semon declined, indicating the budget for the project was thin.

Toll is willing to build the sidewalk, provided the Township secures the rights within three years of the filing of security for the project.

Finally, there was discussion about utility easements. Ms. Campisi clarified that the intent of the utility condition is to ensure the Township receives copies of all utility easements so that there is a record of location, size, ownership, responsibility, etc. The applicant had no issue with this requirement.

Given the remaining issues, the Applicant agreed to attend the 6:00 p.m. work session on May 12, 2020 to continue discussions.

3. CU Application for Comerford (B&B) – The Township is in receipt of a request to extend the initial hearing date to January 31, 2021. Mr. Snook made a motion to approve the extension request to January 31, 2021. Mr. Davis seconded the motion. There was no discussion and no public comment, and the motion passed unanimously.
4. ZHB 1325 Circle Drive – The Township is in receipt of an application for a dimensional zoning variance to construct several additions. The zoning hearing is scheduled for May 18, 2020 at 7:00 pm. Mr. Snook made a motion to remain neutral. Mr. Davis seconded the motion. There was no discussion and no public comment, and the motion passed unanimously.
5. ZHB 725 W Miner Street – The Township is in receipt of an application for a use variance to enable the property owner to secure a second use on this nonconforming property. The property is zoned residential, but is subject to a special exception for an institutional use. The owner would now like to use the vacant carriage house as a residential rental structure. The Board discussed the complexity of the application and noted that a rental use could have unanticipated impacts on the existing use. This also presents a valuable opportunity to collaborate with the Historical Commission (HC), but the HC is not scheduled to meet until the day after the Zoning Hearing Board hearing. Ms. Campisi will review the special exception and the Mercer's Mill approval to see if any of these records provide guidance or restrictions relative to the proposed use. She will also discuss a possible continuance with the applicant to allow for more discussion. She will report back during the Board work session on Tuesday.
6. Gallagher Power Washing – Since late March 2020, staff has been receiving complaints from adjoining neighbors indicating that Sean Gallagher, one owner of 1109 Clover Hill Drive, continues to operate a power washing business from his home. At this time, staff does not have direct and clear evidence that a home occupation is in fact being operated at the residence. Lisa Ritacco, co-owner of the property, was in attendance. She feels attacked by the neighbors. She confirmed that there is no business being operated from the home, but that they do have visitors, contractors, friends, and family that visit regularly. The Board took no action.
7. Event Ordinance Amendment – The Board is in receipt of a draft private special event ordinance for discussion. In addition, Ms. Campisi shared draft forms that may be used to implement the ordinance. Mr. Snook shared a similar ordinance that he worked on in another municipality. Ms. Campisi will review that ordinance. The Board is not ready to authorize advertisement until regular meetings resume.
8. ABC Chair / Fire Code Ordinances – The Board is in receipt of a draft ordinance amending the chair role in ordained advisory boards and committees. The ordinance also incorporates aspects of the International Fire Code, as recommended by the Fire Marshal. There was discussion about the role of the Zoning Hearing Board (ZHB) chair. The Board agreed to remove that provision in light of the unique quasi-judicial role of the ZHB. Fire Marshal Hicks noted that the inclusion of the International Fire Code provisions would provide more structure for the Township's review of land development applications. Mr. Snook made a motion to advertise the proposed ordinance with the removal of the Zoning Hearing Board section. Mr. Davis seconded the motion. There was no discussion and no public comment, and the motion passed unanimously.
9. RBA & Wireless Amendments – The ordinance, which the Board considered several months ago, is ready to be advertised. However, Mr. Snook asked about differing trail dimensions in the riparian buffer provisions. Mr. Lucas will review and report back on Tuesday.
10. Tree Assessment along Roads – Mr. Behmke reported that the extremely hazardous tree on Valley Creek Road was removed along with several others in the near vicinity. He is now investigating the possibility of getting quotes for a daily rate to remove trees. He is also considering whether having public works do any work would help to reduce costs. There is \$25,000 in the budget for this work and about \$5,000 has been spent already. No action was taken.

11. Cann Road Design – Late in 2019, after the 2020 budget was nearing final form, the Township became aware of the need to replace the culvert under the Township’s portion of Cann Road. The plan preparation is expected to cost about \$7,500 (staff can handle the permitting in house, saving about \$3,000). The construction costs will be in the \$30,000 range for the endwalls, piping, and riprap. The 2020 Capital Budget has \$50,000 for road related stormwater projects. Since this item was not planned for specifically during the 2020 budget preparation, the staff wanted to bring it to the Board’s attention and seek authorization to proceed. There was discussion about balancing this project with others on the schedule (e.g. Ashbridge, Highland). In addition, the staff will be discussing overall expenditure adjustments in anticipation of reduced EIT in response to COVID-19. Therefore, Mr. Snook made a motion to authorize the \$7,500 for plan preparation, but to wait until June to discuss the Cann project along with other considerations (e.g. options for Ashbridge, the Ashbridge and Highland culvert engineering proposals, and other expenditure adjustments). Mr. Davis seconded the motion. There was no discussion and no public comment, and the motion passed unanimously. In closing, Mr. Pompo asked Mr. Lucas and Mr. Behmke to carefully review other culverts around the Township to ensure the Township has knowledge of all existing infrastructure.
12. Act 15 Resolution – The Board is in receipt of a draft resolution to implement property tax relief provisions provided by Act 15. Ms. Cantlin reported that the County, who handles tax collection, is amenable to extending the face period to December 31, but is not able to extend the discount period, which already passed. The Board asked Ms. Cantlin to prepare a resolution for Tuesday to extend the face period and waive all fees and penalties.
13. Refuse and Recycling Contract – Nick Rohr and Jim Clark were in attendance on behalf of A. J. Blosenski. The initial term of the refuse and recycling contract will expire on December 31, 2020. There are two optional years built into the contract. The quarterly rate of \$64.90 has remained flat from 2018-2020. The rate is slated to increase 5% for 2021 (\$68.47) and 5.5% for 2022 (\$71.84). The Board expressed satisfaction with AJB’s performance. Mr. Pompo noted that the tipping fee increases about 2% per year and Mr. Clark noted that the recycling industry has changed considerably during the term of the contract. When AJB bid the contract in 2017, there was no cost for recycling. Today, AJB absorbs roughly \$98/ton to process recycling. Before taking action to extend the contract, the Supervisors asked staff to determine whether the 2021 and 2022 rates are competitive and comparable with rates paid by other municipalities that recently bid this service.
14. Other Items
 - a. Financial – Mr. Pompo inquired whether the economic impact to the pension fund could have an impact to the MMO. Mr. Lynch will investigate the potential budget impact.
 - b. Sewer System Sale – Mr. Pompo inquired about the status of the sewer sale. Mr. Lynch reported that the final payment was received. Mr. Pompo asked Mr. Lucas to review the sale documents and prepare to initiate the preliminary steps to transfer the Darlington system once the project is complete.

EXECUTIVE SESSION: None.

ADJOURNMENT / CONTINUANCE: At approximately 3:40 p.m. Mr. Snook made a motion to adjourn the meeting. Mr. Davis seconded the motion. There was no discussion and no public comment, and the motion passed unanimously.

Mandie Cantlin, Secretary