

East Bradford Township Board of Supervisors Regular Meeting Minutes April 13, 2021

The April regular meeting of the East Bradford Township Board of Supervisors (BOS) was held on April 13, 2021. 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 January 26, 2021. The agenda and dial in numbers were also posted on the Township website at <https://www.eastbradford.org/government/boards-commissions/> on April 12, 2021.

Board members present:

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

Board members absent: None

Staff/Professionals present:

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

Staff/Professionals absent:

Randy Behmke, Director of Public Works

Approximately 13 guests were in attendance.

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by Chair Pompo.

PUBLIC COMMENT: None

PUBLIC HEARING: See following pages.

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

1. Minutes from:
 - a. March 9, 2021 6:00 pm (work session)
 - b. March 9, 2021 7:00 pm (regular meeting)
 - c. April 7, 2021 12:00 pm (work session)
2. Recognition of Executive Sessions on:
 - a. April 5, 2021 (real estate)
 - b. April 7, 2021 (real estate, personnel)
3. Bills to Pay and Financial Report for March 2021

Mr. Davis seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

BUSINESS:

1. Possible Ordinance Amendments – During the April 7 Board Work Session, Margaret Robson offered comment pertaining to open burning, piling of brush, and stormwater runoff. Because some of her comments involved neighboring property owners, the Board wanted to postpone discussion until tonight and invite other neighbors to participate in the discussion. The following residents were in attendance:

- Deborah and Richard Maynard
- Gerre and Terry Medley
- Margaret and Donald Robson
- Carol and Sterling Spears
- Scott Wert

During last week's work session, Ms. Robson asked the Board to consider adopting an ordinance to curtail open burning. Mr. Pompo explained that the Township's burning provisions are out of synch with Federal, State, and County standards. The County is in a clean air basin that prohibits burning at the federal level, and the State's recycling statute (Act 101) prohibits the burning/disposal of any material that can be recycled (which includes yard debris). Mr. Pompo clarified that some burning would still be permitted – for example, burning for silviculture purposes and recreational burning (e.g., fire pits). For this reason, Mr. Pompo indicated that the Board is inclined to prohibit unlawful burning and revise the Township's regulations. Ms. Robson thanked the Board for their response to this important matter and Mr. Medley suggested that the Township investigate other regulations (e.g., nuisance, blight) to ensure they too are in line with Federal, State, and County standards.

Mr. Davis made a motion to defer the issuance of burning permits until the Township can review and update its burning ordinance to bring it in line with Federal, State, and County standards. He noted that several burning activities would still be permitted (silviculture, recreational, and ceremonial) with the express permission of the Fire Marshal. He also suggested that the burning permit application be removed from the website. Mr. Snook seconded the motion. During discussion, Mr. Medley inquired about the timeframe for the ordinance update and Mr. Pompo responded that he hopes to have a draft ordinance to consider in May. Ms. Maynard asked whether there would be definitions in the ordinance; Ms. Cantlin confirmed. Mr. Wert asked whether the definitions in the current ordinance would change. Ms. Cantlin said that they would be updated if they need to be brought in line with other regulations. There was no further discussion and no public comment. The motion passed unanimously.

During last week's work session, Ms. Robson also suggested the Board prohibit or restrict the piling of brush and yard debris. Mr. Pompo recognized that individuals have different approaches to handling yard debris and different tolerance levels with regards to what they consider aesthetically acceptable. For this reason, he is not inclined to support regulating the stockpiling/storage of brush and yard waste. Mr. Snook suggested that some level of regulation might be beneficial and spoke about how to prohibit debris adjacent to public lands and facilities (e.g., Blue Rock Trail) and about using zoning provisions to regulate the location and extent of yard waste storage. Mr. Davis is not inclined to regulate this activity. Rather than regulation, the Board was more inclined to promote recycling opportunities (e.g., West Bradford composting site and monthly yard waste pick-ups) and investigate collaborate approaches with individual property owners.

Discussion and debate ensued between the Spears, Maynards, and Robsons. The nature of the exchange included location of yard waste on private property, extent of waste, and impact on those who see it. There was also discussion about whether brush is being used to divert stormwater runoff. Ms. Cantlin and Mr. Lucas noted that there are provisions in the Township stormwater regulations that prohibit piling yard waste in established stormwater management facilities. Prior investigations by the Township have not identified actionable stormwater violations in this location. Mr. Pompo noted that stormwater runoff issues between private property owners are typically a civil matter.

In closing, Mr. Pompo thanked those in attendance for their participation. He reiterated the Board's action to defer the issuance of burning permits. He also concluded that the Board is not inclined to develop legislation to regulate the piling of yard debris, but he encouraged communication and collaboration to address unsightly dumping (like along Blue Rock Trail). With regards to Blue Rock Trail in particular, Mr. Wert shared that he frequents the trail and does not believe that the dumping is particularly problematic. The bigger problem in his opinion is that the trail grows closed in the spring. Mr. Phifer briefly discussed the Township's approach to maintenance and offered to host a volunteer workday along the trail to address these types of issues.

PUBLIC COMMENT: Steve Pelna, First West Chester Fire Department, inquired about the timing of the Highland Road culvert repair. Mr. Lucas commented that the Township is in the process of securing construction easements. This will be followed by bidding. Once the work begins, it is expected to take 6-12 weeks to complete. He is hoping the work will be complete by late summer. Mr. Pelna also thanked the Board for its actions on open burning and commented that the Department cooperates with Rich Hicks in this regard.

NEXT MEETING: The next meeting of the Board of Supervisors is scheduled for May 5, 2021 at 12 noon.

ADJOURNMENT / CONTINUANCE: At approximately 8:00 p.m., the Board unanimously agreed adjourn the meeting.

EXECUTIVE SESSION: The Board met in executive session with staff from 8:00 p.m. to 8:20 p.m. to discuss legal matters.

Mandie Cantlin, Secretary

**East Bradford Township
Board of Supervisors
Ordinance Adopting Official Map
April 13, 2021**

CALL TO ORDER: At approximately 7:02 p.m., Chair Pompo convened a public hearing to consider an ordinance updating the Official Map.

Board members present:

Vincent M. Pompo, Esquire, Chair

John Snook, Vice Chair

J. Patrick Davis, Member

Board members absent: None

Staff/Professionals present:

Andrea Campisi, Director of Planning and Zoning/Codes Enforcement Officer

Mandie Cantlin, Township Manager/Secretary

Rich Hicks, Building Code Official/Fire Marshal/ Deputy Zoning Officer

Peggy Lennon, Director of Finance

Mark Lucas, P.E., Township Engineer

Rich Phifer, Property and Recreation Director

Staff/Professionals absent:

Randy Behmke, Director of Public Works

Approximately 13 guests were in attendance.

The proposed ordinance updates the Township Official Map. The Township strives to update the map every year or two to reflect development, acquisition, easement, and trail projects.

CONCLUSION: The hearing was closed at approximately 7:05 pm.

ACTION: Mr. Snook made a motion to adopt Ordinance 02-2021, updating the Official Map. Mr. Davis seconded the motion. Upon discussion, Margaret Robson commented that she reviewed the ordinance and it looked okay. There was no further discussion and no public comment. The motion passed unanimously.