

East Bradford Township Board of Supervisors Work Session Meeting Minutes June 8, 2021

The June work session meeting of the East Bradford Township Board of Supervisors (BOS) was held on June 8, 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 posted on the Township website at <https://www.eastbradford.org/government/boards-commissions/> on June 4, 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
Mark Lucas, P.E., Township Engineer
Rich Phifer, Property and Recreation Director

Staff/Professionals absent:

Randy Behmke, Director of Public Works
Rich Hicks, Building Code Official/Fire Marshal/ Deputy Zoning Officer
Peggy Lennon, Director of Finance

Three guests were in attendance.

CALL TO ORDER: The meeting was called to order at 6:00 p.m. by Chair Pompo.

PUBLIC COMMENT: None

BUSINESS

1. Starr Farm – Mr. Phifer reviewed several aspects of the Staff Farm project:
 - a. Façade Easement – Mr. Phifer provided a draft façade easement for the historic structures on the property for your review. The Board agreed that it would not be desirable for the Township to hold the façade easement while it still owned the property. They also agreed that the tenant house should be included in the façade easement, along with other historic structures. There was discussion about several other entities who might be able and willing to hold the façade easement.
 - b. Conservation Easement – The conservation easement that is envisioned to be placed on the out-conveyed parcel that includes the historic structures will need to be held either by the Township or a land trust. The Board agreed that Mr. Phifer should contact Brandywine Conservancy to see if they would be interested in the holding the easement, given that they hold several small areas of the tract. This could also be an opportunity to update the older easements. The easement cost can then be incorporated into the 2022 budget.
 - c. Subdivision – The Board agreed that Mr. Phifer should obtain quotes to subdivide the 13-acre farmstead from the remainder of the tract so that this can be incorporated into the 2022 budget.
 - d. Maintenance/Repairs – There are several maintenance needs at the property: silos roof repairs/replacement, springhouse roof, garage roof, and broken windowpanes. The Board suggested prioritizing the needs and addressing the most pressing issues that pose the most significant threats. For example, new broken windows should be prioritized over a silo roof that has been collapsed for a long period of time. These repairs can be addressed this year or next, depending on available budget funds.

- e. Demolition – There was discussion about several structures that are being considered for demolition: creekside cottage, aluminum pole barn, and two small accessory sheds. While the Board agreed that the pole barn and sheds should be demolished, there is not agreement with regards to the future of the cottage. Nonetheless, the Board agreed that Mr. Phifer should obtain demolition costs for all structures so that these costs can be incorporated into the 2022 budget.

2. West Chester Crossing – Alex Geonnotti and Brian Thierrin were present on behalf of Toll Brothers. Last week, Ms. Campisi reported that the first group of building permits had been submitted. In her review, she noted that the two side units have fewer windows than was previously reviewed and approved by the Supervisors.

Toll acknowledged that the sample elevations provided during the approval process were from another project and the dimensions of the units were slightly different. Once they started developing the actual structural and room layout and plans for the West Chester Crossing project, room locations (e.g., bathrooms, closets), stair locations, load points, and furniture layout impacted the actual placement of the windows. Mr. Geonnotti said that, while there are fewer windows, the windows that are provided are larger than what was originally shown.

The Board agreed that the change to the windows is a material change and commended Ms. Campisi for bringing the issue to their attention. All else being equal, Mr. Pompo commented that he prefers more windows. However, the Board agreed that the changes are logical, and they want to make sure the units are functional for future residents. The staff will proceed to issue the building permits as submitted.

3. Open Burning Ordinance – The Board was in receipt of an updated draft of the open burning ordinance. Comments received last month have been incorporated into this draft. A definition was added to address fire pits and the definition for Recreational Fires was amended to exclude grills and other contained fires. Representatives from the West Chester Fire Department were on the call. Mr. Davis asked whether they wanted an opportunity to review the draft ordinance. First West Chester Fire Company Assistant Chief Justin McClure confirmed that they would appreciate the opportunity, given the calls they get with regards to open burning. Ms. Cantlin will forward the ordinance to West Chester and West Bradford Fire Companies to get their feedback. The Board will consider authorization to advertise in July.
4. Finnerty Bridge – In August of 2019, staff issued a notice of violation to the property owners who had installed a small pedestrian bridge without first obtaining proper approvals and permits from the Township. The bridge is within the floodplain. Staff has been in contact with the property owner's attorney who advised that the property owners have engaged a civil engineer to review outstanding Code violations. Once the engineer's review is complete, staff anticipates meeting with the attorney to discuss next steps, including whether zoning relief is required for the bridge. The Board was amenable to this approach.
5. Senate Bill 252 – The Board was in receipt of Senate Bill 252, which provides a broader menu of options for public advertising. The Board observed that the language of the proposed amendment is somewhat confusing. Mr. Pompo will discuss the bill with others in his office and Ms. Cantlin will reach out to Senator Comitta's office to get clarification in advance of the July meeting.
6. Ashbridge Street Culvert – The Board was in receipt of two cost estimates for design/engineering for the Ashbridge Street Culvert project:

Carroll Engineering = \$43,500
Gilmore & Associates = \$40,485

Last week the Board asked whether Gilmore had high confidence that certain studies (namely Bog Turtle) would not be needed (because it could impact price). During a follow-up discussion with the firms, Mr. Lucas learned that Carroll's proposal assumes from the PNDI search that Bog Turtles *are* present and that because of this, a Bog Turtle study *will be* required. Alternatively, Gilmore's wetland/soils specialist reviewed the site and does not believe there is any bog turtle habitat present within 300 feet upstream or downstream of the work area. Assuming PADEP agrees, a Bog Turtle study is not required for the permit. Gilmore's proposal assumes the need to prepare a Phase I study (\$950). If a Phase II study were needed, the costs would be significant (\$6-10K) with multiple days of field work under specific weather conditions. However, if soils indicative of Bog Turtle habitat are found during the Phase I, Gilmore's consultant would contract a Phase II Evaluator to visit the site and send a project clearance form letter to the US Fish and Wildlife Service (USFWS) for PNDI clearance. These Evaluators have special authority to be surrogates for the USFWS. Therefore, the cost of the Phase II would be closer to \$1,000.

Mr. Snook made a motion to authorize Gilmore & Associates to prepare plans and permitting for the culvert repair for \$40,485. Mr. Davis seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

At this point, at 7:03 p.m., the Board paused the work session meeting to conduct the regular meeting. The Board returned to the work session at 7:10 p.m. address the remaining items listed below.

7. Birmingham Road Tree Removal – This past winter, the Township received communication from Bob and Chris Kelly at 383 Jennisa Drive who were trying to work with PennDOT to remove several potentially hazardous trees from the rear of their property, which abuts Birmingham Road. It later came to the Township's attention that, while Birmingham is a State road, the Township acquired right-of-way at the time Bala Farms was approved. Therefore, both the Township and State own right-of-way along Birmingham Road. When the Township arborist reviewed the trees within the Township's portion of the right-of-way, he identified up to 14 trees – some currently dead; others likely to deteriorate in the future. The cost to remove all trees identified by the arborist exceeds our budget for the year (taking into consideration tree work that is already planned).

After discussion, the Board agreed, given budget limitations, to prioritize the work identified by the arborist in phases. The first phase would address the dead trees that were originally identified by the Kellys. The amount of this work should be roughly \$10,000. The remainder of the work can be budgeted for next year.

8. Audit Engagement Letter for 2021-2023 – Last month, the Township discussed an engagement letter from Mingis, Gutowski, & Company for the 2021, 2022, and 2023 audit years. The letter indicates that the services will not exceed \$10,400 per year (plus out of pocket expenses). The prior three years were \$9,900 per year. This represents a 5% increase and is based on an hourly rate increase from \$160 to \$175. After last month's meeting, Ms. Cantlin contacted Mingis Gutowski to see if they would be willing to reduce the cost. The firm agreed to lower the cost to \$10,000 per year. Mr. Davis made a motion to authorize Mingis Gutowski to perform the audit for 2021, 2022, and 2023 at \$10,000 per year. Mr. Snook seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
9. Pension Administrative Fees – As the plan is currently set up, the participants would be pay for the administrative fees, which ranges between 1.20% - 1.40% of total plan assets. This is the customary set up where the participants drive the investment strategy. However, the Township is allowed to incur the cost if it chooses to do. The Board confirmed that plan participants will pay the administrative fees as is customary.

10. Virtual/Hybrid Meetings

- a. Consider Resolution in support virtual/hybrid meetings – This topic was discussed last month, but the resolution did not make it to the May 11 agenda. Mr. Snook made a motion to adopt Resolution 12-2021 requesting that the Pennsylvania General Assembly consider legislation that would permit the use of virtual meeting platforms to conduct public meetings after the end of the COVID-19 pandemic emergency. Mr. Davis seconded the motion. There was no discussion and no public comment. The motion passed unanimously.
- b. Discuss timing to return to in-person meetings – The Township has been meeting in virtual format since April 2020. With vaccinations increasing, some committees have expressed interest to meeting in person. Other groups would prefer to continue meeting remotely. Meanwhile, the PA Proclamation of Disaster Emergency was further continued on May 20 until rescinded or terminated by law. The Supervisors agreed to return to in-person format for their regular meetings beginning in July. The Wednesday work session meetings will continue to be virtual for the foreseeable future. The Board agreed that advisory boards and committees can meet in whichever format (virtual or in-person) works best for them. The Board noted that legislative changes at the state level could impact meeting formats in the weeks and months ahead.
- c. Discuss outside use of buildings – Ms. Cantlin confirmed that the Township will open its buildings for use by others. Groups will be required to adhere to CDC guidelines.

EXECUTIVE SESSION: The Board met with staff in executive session from 7:25 p.m. to 7:34 p.m. to discuss real estate matters.

PUBLIC COMMENT: None

ADJOURNMENT / CONTINUANCE: At approximately 7:35 p.m. the Board unanimously agreed to adjourn the meeting. There was no discussion and no public comment, and the motion passed unanimously.

Mandie Cantlin, Secretary