

**WEST BRADFORD TOWNSHIP
BOARD OF SUPERVISORS
SPECIAL MEETING - EMBREEVILLE
OCTOBER 22, 2019**

BOARD OF SUPERVISORS

William R. Christman III, Chairman
Laurie W. Abele, Vice Chairman
Jack M. Hines, Jr., Member (via Skype)

TOWNSHIP PERSONNEL

Justin Yaich, Manager
Rosemary Moore, Finance Director

ZONING HEARING BOARD

Robert Bartilomo, Chairman
John Prader, Secretary
Steven Brown, Member

PROFESSIONAL CONSULTANTS

Michael Gill, Esq.
Sean O'Neill, Esq.

Chairman Christman called the meeting to order at 7:05 p.m.

ANNOUNCEMENTS

Chairman Christman announced that the meeting is being recorded for the purpose of preparing minutes. In addition, he announced that the Board met in executive session on Sunday, October 20, 2019; Monday October 21, 2019 and various times on Tuesday, October 22, 2019.

Mr. Gill announced that the Zoning Hearing Board met in executive session earlier on October 22, 2019.

INTRODUCTIONS

Mr. O'Neill introduced the members of the Zoning Hearing Board and noted that they will consider joining in the motion to approve the proposed Settlement Agreement.

PROPOSED SETTLEMENT AGREEMENT

Mr. Gill gave an overview of the proposed Settlement Agreement:

- Embreeville Redevelopment, LP will be allowed to develop the SPCA parcel, with 33 single family homes, similar to the adjacent Tattersall development. The agreement allows them to have the right to reconfigure the property boundaries of the SPCA parcel.
- The Embreeville site will never measure less than 196.5 acres.
- The acquisition price will be \$22.5 million, funded by a bond issuance, supported by the existing Open Space tax and a real estate tax to be voted on at a later date.
- The stream discharge permit related to the wastewater treatment plant was relinquished.
- The existing wastewater treatment plant will be decommissioned.
- The Developer will clean up the site to meet EPA Act 2 standards for residential development, which are the most stringent standards that exist. West Bradford Township will get the 196.5-acre site in clean environmental condition.
- The Developer retains a 5.5-acre site near the PennDOT facility, and the allowable uses for that site are still being finalized.
- Both the Developer and the Township declare cross easements for access to parcels owned, and both are allowed to construct stormwater facilities for which they are responsible to maintain and repair as needed.

- The major points of the Settlement Agreement that were changed include:
 1. The language regarding permitted uses of the 5.5 acres that the Developer retains.
 2. Language stating that a youth facility or penal institution is not allowed.
 3. The environmental cleanup language became more stringent.
 4. The Developer is allowed to reconfigure the property boundaries at the SPCA site, but must ask the Township Board of Supervisors, and changes will be at their sole discretion.

PUBLIC COMMENT

- Samuel Mongiello – 1687 Glenside Road – Expressed sadness about the changes that have happened over the years, in addition to the lack of transparency/little information given to the residents; however, he felt that 33 new homes were better than 1,100. He asked what steps were being taken to forestall future development, and requested improved communication with residents. Mr. Christman answered that the Board cannot stop growth, and in addition the Board had spent a lot of time on this deal and settlement negotiations cannot be shared or it would scuttle negotiations. Mrs. Abele added that she is in favor of open space and that they had worked hard on this deal, and negotiations need to be kept quiet.
- Mo (Warren) – no address stated – Detailed her concerns about traffic problems in the Township. Mr. Christman stated that many of the roads are PennDOT roads and the traffic issues were out of his control. He also stated that 33 new homes would be better than 1,100 homes, and that a traffic engineer had been consulted.
- John Snider – 415 Broad Run Road – Commended the Board of Supervisors and the Zoning Hearing Board for finally clearing up the Embreeville problem and was glad that there will not be 1,000+ homes built.
- Mark Slouf – 416 Cann Road – Commended the Board of Supervisors and Justin Yaich. Once he viewed the positives and the negatives of the decision, he felt he was willing to help pay to get this exceptional property. He asked if there was a dialog with Newlin Township about the 20+ acres that Newlin Twp. owns, regarding what would go there, such as a development. Mr. Christman answered that the land in Newlin Township is not part of the litigation in this matter, and that the sewer plant is being decommissioned.
- Janet Sidewater – Newlin Township – Asked if the decommissioning of the sewage plant is under the PA Department of Environmental Protection, and meets Act 2 standards. Mr. Gill answered that they did not discuss the decommissioning of the sewer plant with Newlin Township, and stated that it was not part of this Settlement Agreement.
- John Bossong – 1651 Hemlock Circle – Stated that he came to West Bradford Township because it is a great township, and that he wished this issue was dealt with years ago. He asked the cost of the remediation. Mr. Christman answered that it cost \$12 to \$14 million, but that the Developer has not shared with us what their actual cost will be. Mr. Bossong asked what will be done with the property, such as pavilions being built. Mr. Christman answered that we will be pursuing grants, and that we have Parks and Public Works Departments to maintain the property.
- Rebecca Miller – 1313 Walker Drive – Stated that it was a low cost for what West Bradford will gain.
- Matthew Pitz – 1486 Alton Way – Stated that the Township should have developed homes on the property, but that \$22 million was a pretty good deal for 197 acres. He asked whether the Board can have a sunset provision for the new real estate tax, and whether the land can be developed into parks. Mr. Christman stated that grants are available for the construction of parks, and that the Township does not know what the costs will be going forward. He stated that the Board intends

to keep the cost to taxpayers as low as possible. Mr. Christman requested that residents come to future board meetings when master plans are discussed. He added that the current Board of Supervisors cannot bind a future Board to do something such as add a sunset provision to the real estate tax.

- Jim (Conway) – 651 Brandywine Creek Road (Newlin Township) – Stated that it was a great deal and that the parties involved did a great job.

Mr. Hines (via Skype) added a few comments:

- He had wanted to make sure we didn't have 1,100 homes constructed, in addition to other detrimental effects.
- He wanted to keep the character of West Bradford Township as it is for the future.
- He stated that they made sure that a financial analysis was done.
- He felt that this vote was an important thing to do at this time.

The members of the Zoning Hearing Board had no further comments to add prior to voting.

ACTIONS

Mr. O'Neill made a motion to "authorize the execution of the settlement agreement between West Bradford Township and Embreeville Redevelopment, LP in the form as presented by the Township and Embreeville, in the words of the agreement, solely for the purpose of expressing the Zoning Hearing Board's consent to the settlement of their disputes on the terms, conditions and provisions set forth therein, and not for the purpose of expressing support for or opposition to such terms, conditions and provisions. Secondly, to authorize counsel to the Zoning Hearing Board to execute for filing in the Court of Common Pleas a joinder to the joint motion of entry of agreed order by the Township and Embreeville solely for the purpose of stating that it does not object to the courts entry of an order approving the settlement agreement".

Mr. Prader motioned to accept the motion as proposed, seconded by Mr. Brown. All were in favor.

Mr. Hines (via Skype) made a motion to enter into the agreement with the developer as proposed by legal counsel, seconded by Mrs. Abele. The roll call vote was unanimous. Mr. Christman noted that the exhibits as presented are subject to further refinement, but the deal is approved, and the Township will take the actions necessary to finalize the deal and file what is appropriate with the Court of Common Pleas.

Resolution #19-10 Authorizing the Township Manager to Pursue Grant Funding

Mrs. Abele motioned to authorize the Township Manager to move forward to pursue grant funding from the County as soon as possible, seconded by Mr. Hines. All were in favor.

Mrs. Abele motioned an authorization for the Township Manager to advertise the resolution for the proposed real estate tax, not to exceed 1 mill, seconded by Mr. Hines. All were in favor.

Mr. Hines (via Skype) apologized for not being at the meeting in person.

NOTICES

Mr. Christman gave the following notices:

- The next meeting of the Board of Supervisors will be on November 11, 2019 at 7:00 p.m.

- The Township office will be closed on Tuesday, November 5, 2019 for the General Election. Refuse and recyclable collection will be provided as per normal schedule.
- The Planning Commission (7p.m.) meeting scheduled for November 5th has been rescheduled to Monday November 4, 2019.

Mrs. Abele motioned to adjourn the meeting at 7:54p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin Yaich", with a stylized flourish at the end.

Justin Yaich
Township Secretary

JY/rm