

**BRADFORD WOODS BOROUGH COUNCIL
REGULAR MEETING – May 10, 2021
APPROVED**

The Bradford Woods Borough Council meeting was called to order at 7:00 p.m. by President Victoria Pongrace. There were 12 people present in the virtual audience. This meeting was held virtually on a Zoom conference call: President Pongrace and Mayor Marsico were physically present in the Borough Council Chambers.

The Officials in attendance were:

Victoria Pongrace, Council President
Thomas Kosmala, Council Member
Jennifer Griffin, Council Member
David Baldonieri, Council Member
Todd Hipwell, Council Member
Kevin Rhule, Council Member
Douglas Marsico, Mayor

The Official(s) absent were:

Charles Coltharp, Council Vice President

Natalie Thiess, Borough Manager
Kate Diersen, Solicitor
Capt. Bryan DeWick, NRPD

CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Ms. Pongrace acknowledged the passing of former Councilmember Roy Wiegand and shared condolences to his wife and family.

ANNOUNCEMENT OF EXECUTIVE SESSION

1. None

MINUTES

1. Ms. Pongrace called for a motion to approve meeting minutes from the regular Council Meeting held on April 12, 2021. Mr. Kosmala motioned to approve the meeting minutes. Ms. Griffin seconded.

Motion to pass the April 12, 2021.

Aye: Victoria Pongrace
Kevin Rhule
Thomas Kosmala
Todd Hipwell
Jennifer Griffin
David Baldonieri

Motion Carries

PUBLIC COMMENTS REGARDING AGENDA

1. Ms. Thiess read six public comments that were submitted in writing prior to the meeting. The public comments submitted is an addendum to the meeting minutes.



May 10 2021 Public
Comments_AddMee

a.

MAYOR'S REPORT

1. None

MANAGER'S REPORT

Borough Manager Natalie Thiess reported on the following:

1. Mr. Turner reviewed the April 2021 public works report: road side clean-up; cleaned 11 basin tops; assisted Franklin Park public works; prepare truck for sale; 811 training; 2 ton of cold-patch; 25 PA One Calls.
2. Ms. Thiess reviewed the PA Municipal Service, Delinquent/Liened/Real Estate Tax Collection Proposal document and Jordan Tax Real Estate Tax Collection Proposal. Discussion ensued regarding proposals.
3. Ms. Thiess gave an update regarding Morton Salt Agreement.
4. Ms. Thiess reviewed Municibid items. Ms. Thiess stated that Council motioned to sell the solar panel aerator for \$2,600, which Ms. Thiess set as the Reserve Price on Municibid. Ms. Thiess stated there was one bid for \$2,000 and it does not meet the Reserve Price. Mr. Baldonieri made a motion to approve the sale of the solar panel aerator for the bid submitted of \$2,000. Mr. Rhule seconded.

Aye: Victoria Pongrace
Kevin Rhule
Thomas Kosmala
David Baldonieri
Jennifer Griffin
Todd Hipwell

Motion Carries

5. Ms. Thiess reviewed and discussed the American Rescue Plan, Local Government Relief Interim Final Rule Report document. Ms. Thiess stated the Interim Final Rule seems to allow local governments to use the funds for stormwater infrastructure.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

1. None

SOLICITOR'S REPORT

1. None

COMMITTEE REPORTS

FINANCE

1. Mr. Hipwell discussed the April check register. Mr. Hipwell reported there were 18 checks, 4 paychecks, and 7 electronic payments. Mr. Hipwell reported the largest checks included \$20,787 to Northern Regional Police, \$3,579 to Bradford Woods Volunteer Fire Company for contribution and rent, \$1,876 for Lennon Smith

Souleret Engineering, \$1,177 to West View Water for hydrant rental, \$1,166 to Goehring Rutter Boehm for legal fees.

Mr. Hipwell made a motion to pay and ratify payments for April 2021. Seconded by Mr. Rhule.

Aye: Victoria Pongrace
Thomas Kosmala
David Baldonieri
Kevin Rhule
Jennifer Griffin
Todd Hipwell

Motion Carries

2. Mr. Hipwell introduced the pre-ratified check list before Council for approval. Motion was made by Mr. Hipwell to pre-ratify bills for May/June. Motion was seconded by Mr. Kosmala.

Aye: Victoria Pongrace
Thomas Kosmala
David Baldonieri
Kevin Rhule
Jennifer Griffin
Todd Hipwell

Motion Carries

3. Mr. Hipwell reported the April revenue and expense report. Mr. Hipwell reported the total revenue is \$368,183 and total expense is \$38,292 and a cash balance of \$624,105. Mr. Hipwell stated the Borough received Liquid Fuels in the amount \$47,777, which was a slightly higher amount than budgeted. Ms. Pongrace asked about the Earned Income Tax amount. Mr. Hipwell stated it is most likely due to timing of collection.

SAFETY

1. Capt. DeWick reported the April police report as follows: 15 calls; 6 traffic warning(s); 1 citation(s). Capt. DeWick updated Council on the officer eligibility list/current hiring/retiring situation.
2. Ms. Pongrace commended Capt. DeWick's presentation on April 26 SRT presentation.

FIRE

1. Mr. Cannella reported April calls: 1 call since last meeting: false alarm. 11 calls year-to-date.
2. Mr. Cannella reviewed the Bradford Woods Emergency Operations Plan.

ROADS

1. Mr. Baldonieri reviewed the 2021 Road Project Worksheet for the Add Alts, as the Base Bid was accepted at a prior meeting. Mr. Baldonieri reviewed the recommended add alts: Forest 1 (House 40- Burry); Forest 2 (Burry to DE); Edgewood; Bradford/Bellaire intersection; Willow Rd Option A. There will also be \$11,000 of various patch work throughout the Borough, mainly on Bellaire Rd. The total cost for add alts and patch work is \$351,463. Mr. Baldonieri made a motion to accepted the add alts and patch work. Mr. Rhule seconded.

Aye: Victoria Pongrace
Thomas Kosmala
David Baldonieri
Kevin Rhule

Jennifer Griffin
Todd Hipwell
Motion Carries

PLANNING AND ZONING

1. Permits
 - a. Woodland Rd: Road Opening/ROW Permit- installing private lateral
 - b. Delmar, Bradford, Seldom Seen, Bellaire, Wexford Run- Columbia Gas line; Road Opening/ROW Permit

PERSONNEL

1. None

COMMUNICATION /OUTREACH/ NORTH HILLS COG / PUBLIC RELATIONS/ NORTHLAND LIBRARY

1. Mr. Kosmala reported on the Northland Public Library board meeting; building/grounds committee updates and capital planning committee updates; selected RSS Architecture for building work; acknowledged Mr. Coltharp and Mr. Edelman for their help in selecting an architect; virtual GALA on April 17.

ENVIRONMENT

1. Mr. Rhule stated there will be an EPAC meeting next weekend where EPAC will review the results of the deer survey and other agenda items.
2. Mr. Rhule reviewed the Group Tree Purchase Program to help address replanting trees in the Borough. The program is to begin around July for purchasing and August for planting.
3. Mr. Rhule reviewed the results of the Deer Survey. The purpose of the survey was to gauge residents' understanding of the current deer population and affects. Mr. Rhule shared his screen with the results of the survey. Mr. Rhule stated the results will be posted on the Borough website for public review. Discussion ensued regarding deer and deer issues in the Borough.

OLD BUSINESS

1. Mr. Rhule introduced amendments to Chapter 210 for discussion. Brief history of the amendments and discussion ensued regarding amendments to Chapter 210. The ordinance has been legally advertised and opened the review to public comments (which were read in the beginning of the meeting). Mr. Rhule stated the amendments may negatively impact certain properties and infringe on some private property rights in the Borough. Mayor Marsico shared his disapproval of the ordinance as written. Ms. Pongrace stated it is important that Council balances the ordinance to help maintain the character of the Borough, while not infringing on private property rights and foreseeing negative impacts due to the ordinance. Ms. Pongrace stated EPAC's steps toward education and creating a Tree Purchase Program will have a positive impact on tree protection. Ms. Griffin stated there should be an education campaign to share with the public as to why the amendments are being written. Mr. Rhule made a motion to table Ordinance 466, amending Chapter 210 Trees; Natural Resource Protection, for further review of the ordinance. Ms. Griffin seconded.

Aye: Victoria Pongrace
Thomas Kosmala
David Baldonieri
Kevin Rhule
Jennifer Griffin
Todd Hipwell

Motion Carries

NEW BUSINESS

1. None

ACKNOWLEDGEMENTS

1. None

ADJOURN

Motion to adjourn the public meeting at 8:18 P.M. by Todd Hipwell, seconded by Thomas Kosmala, motion carried.

Respectfully Submitted,

Natalie Thiess, Borough Manager

Date

**FOLLOWING PAGES ARE
PUBLIC COMMENTS
SUBMITTED**

5 COMMENTS

- **RESIDENTS OF EDGEWOOD**
- **MUHLENKAMP**
- **MYERS**
- **QUIGLEY**
- **THOMAS**

*Mary Jo Riley 204 Bradford please accept curb to curb water from washing out
yard. @side yard washing out from storm line*

April 27, 2021

Borough Council,

We the residents of Edgewood Road have come to understand that a final decision on repaving Edgewood Road this year has not been made. Considering that:

- You are already planning on repaving Forest Road this year
- You've made plans to deal with stormwater on Edgewood this year
- In consideration to the damage that has been done to the road surface during the gas line replacement project

There seems that there would be no better nor more cost effective time to repave Edgewood Road.

Please find a way to include Edgewood Road as part of the Forest Road repaving project.

MARK AND ALISON SPEAR 615 EDGEWOOD 724-996-1996

Gneve and Harro Glass 611 Edgewood. 724-935-5587

Diana Greenberg 603 Edgewood Rd (PO Box 18)
Aisha Huswell 602 Edgewood Rd 412-551-9144
724-935-4913

Steve + Cindy Starck 610 Edgewood Rd 724-612-8079

Shawn McFadden 618 Edgewood Rd 412-596-6357

Kathy Patten + Johnny Patten 607 Edgewood Rd. 724-498-8558
Kieth Patterson Johnny Stator

Borough Council Members,

I have a few comments on Chapter 210 of the Borough Code and Ordinance No. 466 which you are considering. I thought it more useful to submit them in writing than to bring them up in a Council meeting, thank you for giving them your attention and consideration.

Regards,

Jeff Muhlenkamp

Comments on Chapter 210:

Para 210-2 Clear cutting. I think this definition is too broad. "... on a tract of land or portion thereof." means cutting down ANY tree qualifies as clear cutting since by cutting down a tree I have removed ALL of the trees on the PORTION the land upon which it stood.

Property Lines: definition is too restrictive. Property lines exist between adjacent plots even if one of the owners isn't the Borough.

Public Trees: the "hereafter" part makes no sense to me. How do you consider a tree that will exist only in the future a tree today? Does this refer to saplings that haven't grown enough to meet the "Tree" definition yet, or does the "hereafter" part mean acorns and pine cones?

Trees: by defining a tree as living in all three parts the provisions of this ordinance to not apply to what I would call "dead trees." Using that definition, for example, the Borough could compel a homeowner to remove a "dangerous" live tree but not a "dangerous" dead one. Are you sure that's what you want?

Para 210-5 G. (1) The "Whenever possible..." phrase is extremely vague. Unless the tree is literally falling down it is always "possible" to leave it standing – it just may not be desirable. This clause in my opinion would allow the Borough to find anyone removing a tree in violation of this Ordinance unless the tree was literally on the verge of collapse.

Para 210-6. Can the detailed plans submitted by utilities be made available to the public?

Para 210-7. To whom shall the "party in violation" pay the replacement cost for an improperly removed tree? The Borough or the property owner?

Comments on Ordinance 466

Para I. (3) This paragraph states the Borough Engineer will review the submitted plans.

- If only the borough engineer reviews them, why 4 copies?
- Are the plans required to be APPROVED before the submitter can execute them? If so, who approves them and to what timeline will they be held?
- Why require the "species of trees" to be part of the submission. NOTHING in this ordinance or Chapter 210 requires or prohibits any specific species to be planted or removed, so the plans can't be rejected based on the species of the trees involved – so why make the

property owner jump through hoops identifying trees when that information is useless to the reviewer and whoever the approver is? That's just harassment.

Para I. (3) B. 1. h Under what circumstances is the bond forfeit and who makes that determination? Forfeiture of the bond is not listed as a potential penalty under Chapter 210-8 so presumably the District Justice could not direct forfeiture of the bond even if the applicant was found to have not executed the Restoration Plan.

To: Bradford Woods Borough Council:

From: Paul W. Myers

Address: 801 Oak Road

Subject: Proposed Changes to Trees, Natural Resource Protection Ordinance

I want to voice my opposition to the proposed ordinance on the basis that it strips borough residence of their liberty to make these decisions for themselves. I'm sorry in advance for getting long winded on this subject, but it appears to me that there are too many who are disrespectful or ignorant of what our founding fathers envisioned for our country. I'm going to take you back to my seventh grade American History class and repeat the basics for you (I'd add a winking emoji here, but I don't like using those things...)!

The purist example of our founding father's vision for our country comes from the Declaration of Independence. They had no way of knowing at the time whether their attempt to gain their freedom from Great Britain would be successful or not, so they documented for posterity exactly what they wanted their government to be about.

Many think the Declaration of Independence was a document that Thomas Jefferson whipped up, and then all of the original signers put their John Hancock's on (literally). That is not correct at all. There were committees, and subcommittees, and before they came up with the final document, they had gone through at least six drafts before everyone was agreeable to signing it. I include this paragraph to emphasize that there were no words in this document that were 'half-baked' or not thoroughly considered and vetted.

The founding fathers boiled down what they wanted their government to be into a single, beautiful, sentence. We've all heard it many times during our life, and sometimes we take it for granted. Here is that sentence...

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

The very next sentence in the Declaration of Independence goes on to state that protecting these three Unalienable (can never be taken away) Rights is the reason that Governments should be created. It is the reason that our Federal Government exists, that our State Government exists, that our County government exists, and that the Bradford Woods Borough Council exists!

Our founding fathers were very smart cookies, to say the least. They knew that these three endowed gifts from our creator could not always coexist, so they made sure they were spelled out in priority sequence. Nothing, absolutely nothing, is more important for governments to accomplish than to insure the protection of Life, Health, and Safety. That is, and always should be, the number one priority of the Bradford Woods Council.

I stated above that these three Rights cannot always coexist. An example of this are speed limits on our highways and roads. Why can't people drive any speed they want? Because doing so creates a very

high risk to the health, safety, and to the very lives of others. This makes it highly appropriate that our various government branches have imposed speed limits on our highways and roads, taking away our liberty to drive any speed we want. Another example is the discharge of firearms. Our constitution explicitly guarantees our rights to own firearms. Yet it is entirely right and appropriate that many local governments, including our Bradford Woods Council, have passed ordinances prohibiting the firing of those guns on our properties. Why is this ok? Because doing so creates an immediate danger to the health, safety, and welfare of others in the borough. Our properties are just too close together to allow this to be done safely. We have surrendered that liberty to ensure our safety. I believe that our Bradford Woods Councils of the past and present have done a very good job in protecting our Right to 'Life' in the borough.

The number two priority as spelled out in the Declaration of Independence is supposed to be the protection of our Liberties. This is where I feel our council has failed on occasion, and will fail again if this proposed ordinance is passed as written. You are letting peoples 'pursuit of happiness' take priority over people's 'liberties', and that is wrong. You are letting people who 'don't like the way that looks' force the Council into stripping the 'Liberty' to manage our own properties. The only tree ordinances that should exist are those related to the protection of Life, Health, and Safety. If the ordinance pertains to those protections, then by all means include it in our borough's codes and ordinances. If it has anything to do with how something 'looks', then strip it out of the proposed ordinance. It doesn't belong there.

Going back to the quoted line from the Declaration of Independence, it states that 'all men are created equal'. That line was included by our founding fathers to make the point that these Unalienable Rights, are never to be taken away from anyone. Every single individual owns these rights. They are not 'majority rules' rights. As an example, we can't just all decide that we're going to run toxic sludge through John Smith's property because the majority of us believe that would be best. John Smith, regardless of his position in life, has the same rights to have his Life, Liberty, and Pursuit of Happiness protected as everyone else. There is a form of government that does allow 'Majority Rule' on these types of Rights. It believes that these rights are vested in the people as a whole, and not vested in the individual. That form of government is called Socialism. You can debate the virtues and benefits of both forms of government, but the bottom line is that it is not what our founding fathers envisioned for our American Democracy.

If we go back to 'the incident' that triggered this pursuit of new protection of trees and natural resources in the borough, we've got to find a way to get past the 'I don't like the way that looks' mentality. Do I think it was a good thing to remove that many trees? Absolutely not...it was either a very foolish decision, or very unfortunate accident. In my estimation, that property lost \$50 to \$75k in value when those trees were removed. Regardless of our personal opinions, the bottom line is that property owners in the borough should be at 'Liberty' to manage their property as they see fit. That includes what trees we keep on our properties, and what trees we choose to have removed.

If you need to, post 'Life, Liberty, and The Pursuit of Happiness' on the back wall of the borough chambers to remind yourselves of these priorities, and why the Council exists. I urge you to do whatever it takes to remind yourselves to be more diligent of protecting the Liberties of each individual citizen of Bradford Woods....even if it results in something that we 'don't like the way it looks'. Thank you.

Bradford Woods

From: Claudia <~~claudia@bradfordwoods.net~~>
Sent: Wednesday, May 5, 2021 11:00 AM
To: Bradfordwoods@zoominternet.net
Subject: Proposed Tree Ordinance

Hello Council

I disliked your deer ordinance as a loss of freedom. The increasing number of the beautiful animals were becoming a health hazard so the "rule" made sense.

Rumors say that new owners removed every tree from a property near the school in order to build a huge house. Supposedly, this prompted you to make a new "RULE". We live in a reactionary time. If a few are offended, the multitudes lose a freedom.

NO NO NO to your tree rules.

I suggest a bulletin board to fairly announce any new RULES the council plans in the future.

Sent from Mail for Windows 10

Claudia Quigley
313 Crystal Springs
724-935-1371

Bradford Woods

From: Ryan Thomas <ryan@psgimail.com>
Sent: Tuesday, May 4, 2021 8:00 PM
To: bradfordwoods@zoominternet.net
Subject: Proposed Tree Ordinance

Borough Council,

I am a homeowner of a plot in Bradfordwoods and an owner of a 2nd lot which is unimproved, I call it "Lot 79". This lot is fully wooded and approximately 2 acres. I support conservation of our forest in Bradfordwoods and it's one of the reasons I bought land here. That being said, I'm concerned that the new tree ordinance will make it impossible for me to build on this lot. My reading of the ordinance indicates that I may clear some trees for the construction but the Tree Restoration Plan requires that I plant a new tree for every tree removed.

Because the lot is fully wooded, there is no location to plant additional trees. For example, say my 2 acre lot has a 640 trees, measured by the fixed-radius plot estimation method. If I need to remove 50 trees to build a single family dwelling, that would remove 7% of the wooded area well below the 30% allowance. I would then be required to plant 50 trees on the remaining 93% of the lot which is already fully wooded. I would be planting 50 trees at say \$2000 each under the existing canopy to meet this regulation.

I do not believe that me spending \$100k planting trees under existing canopy in an already fully wooded section of my property provides any public benefit.

My recommendation is to amend the proposed ordinance to require a Tree Restoration Plan only if the total wooded area drops below the thresholds already set, like the 30% R-1 number or 70% wooded. This would be total wooded area, and not relative to the number of trees cleared for the specific project like the current metric is and therefore the exemption would have very narrow applicability. For example if a lot was already 30% cleared before the proposed change began, then the exemption could never apply.

Another proposed solution is to require the Tree Restoration Plan only if the lot drops below a tree-per-acre measurement target or a basal area (DBH) measurement target. That method would directly require more trees on low density lots while not punishing landowners of high density lots.

Either of these solutions would result in the effect of maintaining wooded lands in our borough but allow for modest construction on fully wooded unimproved lots. It's possible that I own the only fully wooded unimproved lot in the borough so I may be in a unique situation.

I appreciate your consideration.

Ryan Thomas
249 Bradford Rd.
(724) 553-8932

