

**Board of Supervisors**  
**March 13, 2019**  
**Minutes**

Board members in attendance: Ms. Drummond, Chair; Mr. Lambert, Vice Chair; and Rich Orlow, member.

Staff in attendance: John Nagel, Township Manager; William Steele, Public Works Director; Cathy Kleponis, Finance Director; Steve Brown, Zoning Officer; Zach Barner, Director of Planning; Donna Wikert, Asst. to the Township Manager; Joseph McGrory, Solicitor; Chris Yeager, Chief of Police.

Ms. Drummond opened the meeting at 7 p.m. with the Pledge of Allegiance.

**Board Briefings**

The Malvern Public Library's annual Give-a-Thon began on March 11th. All donations made as part of the drive will automatically be entered to win an Amazon Fire 7 with Alexa. Donations must be received by Saturday, March 23, in order to be entered into the drawing. Donations may be made by check or PayPal. Please contact Malvern Public Library Director, Maggie Stanton, by email at [mstanton@ccls.org](mailto:mstanton@ccls.org) or by phone at 610-644-7259.

“The Grove” Presentation - Jason Dempsey gave a brief background on his new project “The Grove” this is a re-branding of the shopping center, as we know it “The Shops at Great Valley”. This information has been shared with the Corporations and surrounding areas and they are very excited to see this renovation completed. No changes to the entrances, new store front, architecture over framing, cleaning up parking lot, and new clients. Look for the opening to be late September 2019. New brew pub, breakfast, lunch and dinner spots, retail, fitness, barbershop, dry cleaner and nail salon are already in place.

Mr. Barner introduced and welcomed Brittany Bulger, our new Planning and Development Coordinator.

Consider approval of the installation of a “little library” in Battle of the Clouds Park

Girl Scout, Nithya Mooli, presented her plan for a “little library” using the take a book and leave a book concept. She has planned this project and will be looking for book donations from residents and Barnes & Noble. Stay tuned for the Ribbon Cutting in September 2019. Nithya plans to advertise at school, online and on our Township website. Mr. Brown and Mr. Steele will help support this project.

Mr. Orlow made a recommendation to approve the “Little Library”, Mr. Lambert seconded the motion; the motion was approved 3-0.

**Future Development Ordinance Amendments:**

Mr. Barner went over the plan to clean up our codes and ordinance and give them fresh language. Working with our Solicitor office on a bi-weekly basis to make sure policy is correct and regulation works in unison. Focusing on minor revisions and making sure they are updated. The plan is to come up with a draft, schedule Planning Committee to review then on to the Board of Supervisors for approval.

**Board Motions & Resolutions (Consider Board Action):**

Approve Collective Bargaining Agreement between International Association of Firefighters and East Whiteland Township for 2017-2021

Mr. Nagel is pleased to report that the union and the township have consolidated all the arbitration award into a codified labor agreement. The firefighters have approved it and it is ready for consideration of Board signature. Major concessions on health care which is a significant piece of the budget. We are very pleased, it's been in the talks for more than a year.

Mr. Orlow made a recommendation to approve Collective Bargaining agreement 2017 thru 2021. Mr. Lambert seconded the motion; the motion was approved 3-0.

**Motion to Advertise:**

Ordinance for Deferred Retirement Option Plan for Firefighter and Emergency Medical Technicians Ordinance #309. Ms. Kleponis explained this is a four year drop that came out of the collective bargaining agreement.

Mr. Lambert made a motion to approve. Mr. Orlow seconded the motion; the motion was approved 3-0.

Ordinance Amending the Zoning Ordinance to Provide for Uniform Off-Street Parking Space Dimensions and Aisle Widths.

Mr. Orlow made a motion to approve. Mr. Lambert seconded the motion; the motion was approved 3-0.

Ordinance Amending the Zoning Ordinance to Provide for Uniform Off-Street Parking Space Dimensions and Aisle Widths. Mr. Barner discussed this ordinance as a band aide type item. The code varies in districts, and the purpose is to make everything the uniform 9'18 spaces which is the new standard. Some specifics on this is: angles of parking, parallel parking, required paving. We are trying to make this as simple as possible; if you live in a single family home, you need to be able to park in your driveway so your vehicle fits in your driveway. Questions came up about street parking and how in one neighborhood that is all they have, this does not affect street parking. This is for new developments only going forward.

Mr. Orlow made a motion to approve. Mr. Lambert seconded the motion; the motion was approved 3-0.

Ordinance Amending the Subdivision & Land Development Ordinance Amendment(s) related to Design Guideline for Streets.

Ordinance Amending the Subdivision & Land Development Ordinance Amendment(s) related to Design Guideline for Bicycle/Pedestrian Improvements.

These ordinances are the same issue, after much discussion on this topic, the Board is not ready yet to make a decision, and they feel that more information is needed before they can vote on this. It was agreed to wait till next month.

Tennis Court Improvement Project at Valley Creek Park to Include Recoating Four Courts and New Nets.

Mr. Steele explained these courts have not been resurfaced for 20 years.

Mr. Lambert made a motion to approve. Mr. Orlow seconded the motion; the motion was approved 3-0.

Park Maintenance Paving Project to include roadways in Valley Creek Park and the Basketball Court in Down East Park. Mr. Steele said this project is in the 2019 budget, the roadways around Valley Creek are a mess and the basketball court is due for maintenance.

Mr. Lambert made a motion to approve. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider approval of letters of support for Natural Lands Chester County grant application for open space properties (Balderston/Spring Ridge)

Mr. Orlow made a motion to approve. Mr. Lambert seconded the motion; the motion was approved 3-0.

Consider Rendering Decision for Conditional Use Application 2018-18-CU (as amended) for “Distributed Antenna Systems” (Crown Castle NG East, LLC)

Mr. McGrory spoke on this conditional use application, the residents were opposed to the location of this particular antenna. The Township asked the applicant to consider changing the location to be closet to Saint Gobain. After much negotiating they arrived at a new location, 16 Moores Road, which happened to be the location that is more desirable. They will withdraw the other 2 sites, this is the last of 12.

Consider Sending Township Solicitor to Zoning Hearing Board to Support / Oppose (SB):

2019-05-ZHB for “5 Charles Street” – Application of Rudy Fedor to reinstate a variance to allow a single-family home in the FC District, for a front yard variance and to modify a previously granted variance from the setback for a stream. Mr. Brown explained this is a standard application, no need for the solicitor to attend.

#### **Public Hearings:**

- a) Consider amendment to **§200-29** of the Zoning Ordinance to Provide for Building Standards and Requirements for Retail Businesses Selling Firearms (JM) Ordinance #307

Mr. McGrory opened the hearing by introducing exhibits 1 thru 6. This Ordinance will partially regulate the security measures for stores that sell firearms, the Second amendment to the constitution of the United States permits the possession and sale of firearms, we can't treat them any different from any retail use. The ordinance drafted says they can be sold anywhere retail goods are being sold. The only difference is we are doing this by conditional use so we can look at the security plan to secure the safety of the firearm stores, involves alarms, notice to police, putting in ballards, surveillance system etc.. This is always a difficult balance.

Mr. McGrory closed the hearing and reconvened back to the Board meeting, this ordinance is now in position for your consideration.

Mr. Orlow made a motion to amend Ordinance #307, Mr. Lambert seconded the motion; motion was approved 3-0.

- b) Amend Sewer Ordinance for High Capacity Customers (WS) Ordinance #308

Mr. McGrory opened the hearing by introducing exhibits 1 thru 4 into the hearing. This is to amend the sewer Ordinance that was previously passed with reference to high capacity customers. It will make it clear who this applies to and the rate which will be set by Resolution.

Mr. McGrory closed the hearing and reconvened back to the Board meeting, this ordinance is now in position for your consideration.

Mr. Lambert made a motion to amend Ordinance #308, Mr. Orlow seconded the motion; motion was approved 3-0.

c) Consider approval of a resolution to re-establish the 2019 sewer rates for East Whiteland Township  
Mr. Orlow made a motion to approve, Mr. Lambert seconded the motion; motion was approved 3-0.

**Plans (ZB):**

Application 2018-13-DP for “Old Orchard Expansion” – Preliminary/Final Land Development:

- i. Consider Extension of Time for Board to Render a Decision to June 30, 2019

Mr. Orlow made a motion to approve. Mr. Lambert seconded the motion; the motion was approved 3-0.

Application 2018-29-LD for “Frazer Lanes Redevelopment” – Preliminary/Final Land Development:

- ii. Consider Authorizing Solicitor to Draft Approval Resolution
- iii. Consider Extension of Time for Board to Render a Decision to April 30, 2019

Mr. Lou Colagreco spoke on behalf of the applicant, this has been in process for about a year. We have the plans to the point that the consultants are satisfied. Ms. Drummond said everything is in good shape and cleaned up at this point. Mr. Colagreco, feels they have accommodated all suggestions and met with the staff at East Whiteland Township. The park is in the process of closing; certain tenants have moved out, certain units have been moved. We have had an onsite presence to help facilitate with this transition and we have tried to relocate as many people as we can, it has been difficult and at times gut-wrenching for many reasons. We have extended those who have children and want to stay till the end of the school year. They purchased many of the homes of those that wanted to sell. We were requested by the Township to do whatever possible to help, so we have to the best of our ability.

Ms. Drummond made a motion to authorize the Solicitor to draft the Resolution for approval. Ms. Drummond also made a motion to extend the time for the Board to render a decision to April 30, 2019. Mr. Orlow seconded the motion; the motion was approved 3-0.

Application 2018-27-SD for “Shirtz Farm” – Amended Final Land Development:

- iv. Consider Authorizing Solicitor to Draft Approval Resolution
- v. Consider Extension of Time for Board to Render a Decision to April 30, 2019
- vi. Consider Approval of Resolution 22-2019 for “Shirtz Farm” Sewer Planning Module Resolution

Mr. Eric Janecka engineer for the applicant Woodstone addressed the Board. This is a plan that was approved a number of years ago. It is an amended plan primarily for some adjustment to the sanitary sewer design to go from a gravity fed system to a low-pressure system due to some of the grading that would have been required to make the plan work previously.

Mr. Lambert made a motion to authorize the Solicitor to draft a Resolution for approval of Shirtz Farm Amended Land Development Plan, to extend the time for approval of that Plan until April 30, 2019, and to Resolution 22-2019 for the Shirtz Farm Sewer Planning Module. Mr. Orlow seconded. Motion approved 3-0.

Application 2018-30-DP for “Exeter at 9-25 Great Valley Parkway” – Preliminary/Final Land Development:

**vii.** Consider Authorizing Solicitor to Draft Approval Resolution

**viii.** Consider Extension of Time for Board to Render a Decision to April 30, 2019

Ms. Denise Yarnoff from Riley Riper Hollin & Colgreco stated this project came through once already, they received a variance to install an expanded truck turnaround. The project, at this point, details addition parking, truck circulation to the North, and a new parking area.

Mr. Orlow made a motion to approve Solicitor to Draft a Resolution, also consider extension of time to April 30, 2019. Mr. Lambert seconded the motion; the motion was approved 3-0.

Application(s) 2019-02-CU thru 2019-04-CU for “Off-Premise Signs” on Lancaster Avenue

**ix.** Consider Extension of Time for Board to Render a Decision to July 13, 2019

Ms. Drummond made a motion to extend time to July 13, 2019. Mr. Lambert seconded the motion; the motion was approved 3-0.

**Consent Agenda (Consider Board Action):**

Approve Meeting Minutes from February 13, 2019

Acceptance of the Treasurer’s Report: As of January 31, 2019

Ratify Payment of Bills: Checks Totaling \$689,514.97 (February 2019)

Appoint Tim Kelly to Planning Commission

Appoint Carol Rapp to Parks & Recreation Board

Approve 2019 Request for Funding (\$10,000) – Friends of the Summer Stage

Ratify Police Server Support Under All Covered Care (\$23,316 Annually)

Mr. Orlow made a motion to approve Consent as read by Ms. Drummond. Mr. Lambert seconded the motion; the motion was approved 3-0.

Approve Proposal from Vanguard Modular Building Systems (\$88,437)

Bob Floyd, Clerk of works for East Whiteland Township gave a presentation on the Modular request.

- Started working on project in fall, 2018.
- Reviewed current space needs.
- Future space needed for additional staffing to maintain high level of service.
- Reviewed the size and possible location of the building.
  - At end of existing building on Fire Department side.
  - Grassy knoll on Fire Department side of property.
  - In parking lot near Public Works Building.
- Comparison of budget to first quote.
  - Budgeted \$2,200 per month and \$86,000 upfront cost.
  - Quoted \$2,200 per month and \$181,500 upfront cost.
- Reduce the size and location.

Easy access to building by community.

Easier access by the Codes/Life Safety inspectors.

- Four options for your consideration:
- Building without restrooms or running water:
  - \$1,481.00 lease payment per month with a \$88,621.00 upfront cost for turn key building.
  - \$2,231.00 lease payment per month with a \$64,367.00 upfront cost that includes amortizing 30 percent of the upfront cost for 36 months.
- Building with restrooms and running water:
  - \$1,528.00 lease payment per month with a \$121,306.00 upfront cost for turn key building.
  - \$2,652.00 lease payment per month with a \$87,863.00 upfront cost that includes amortizing 30 percent of the upfront cost for 36 months.

The Board agreed to defer this and have a decision by March 27<sup>th</sup>, 2019.

### **Announcements**

Executive Session(s) were held on March 13 at 5pm (to discuss personnel, legal and real estate matters).

Continued Conditional Use Hearing for Application 2018-28-CU for "Linden Hall" (DeMarco Real Estate Holding, LLC) will be held on Thursday, March 21, 2019 beginning at 7:00pm.

The Democratic Policy Committee along with Senator Dinniman will be holding a public hearing on robocalls, March 21<sup>st</sup> at 9:00am to 11:00am at the East Whiteland Township Meeting Room.

State Representative Kristine Howard is having a public listening session tomorrow night at East Whiteland Township Meeting Room. 6:00 pm to 8:00 pm.

**Meeting Adjournment - 10:30 pm**

Donna Wikert  
Board Secretary