

## **Board of Supervisors**

**April 10, 2019**

### **Agenda Minutes**

Board members in attendance: Sue Drummond, Chair; Scott 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; John Walko, Solicitor; Chris Yeager, Chief of Police.

Ms. Drummond opened the meeting at 7:15p.m. with the Pledge of Allegiance.

#### **Board Announcements:**

On Friday April 12<sup>th</sup> at 1:30pm TMACC will be hosting its 2nd Annual Press Conference to announce the annual “Opening Day of Trails. This year, the event will be hosted at the East Whiteland Township building. PA DCNR, Deputy Secretary for Conservation and Technical Services, Lauren Imgrund, will be in attendance.

On Saturday April 27<sup>th</sup>, Keep Pennsylvania Beautiful will engage in a clean-up effort throughout the Township; including Swedesford Road (between Church Road and Conestoga Road) as well as Battle of the Clouds Park. For more information, please contact Dante Bradley.

On Tuesday May 7<sup>th</sup>, at 7:00pm., the Township’s Open Space Plan Advisory Committee will be holding a “Places of the Heart” Open House for the Open Space, Park, and Recreation Plan. The event will be held at Covenant Presbyterian Church, located 400 Lancaster Avenue in Frazer. Please RSVP to Brittany Bulger [bbulger@eastwhiteland.org](mailto:bbulger@eastwhiteland.org) (Planning Coordinator).

The County Commissioners Office announced the awards on April 4, 2019. East Whiteland, in partnership with Natural Lands and Charlestown Township, applied for grants for the possible purchase of 120 acres of open space known as Spring Ridge on the northern edge of the township. We were awarded two grants totaling \$532,836. Additional grants will be sought later in the year.

#### **Board Motions & Resolutions:**

##### **Extension of Time to Take Action on the following Applications:**

[2015-LD](#) for “Bishop Tube” – Preliminary Land Development extended until August 30, 2019 to render decision

Several residents expressed frustration that the Township is still entertaining the application for Constitution Partners to develop the site. Deb Mobile, resident of the General Warren Village, argued that the Township should say no until a full and total remediation is completed. Mr. Walko, solicitor for the Township, explained that this is the land development process. We need to act in good faith reviewing any plans that come before the board, which takes time. Under the Municipal Planning Code, we have 90 days to do that. If we don’t do that in 90 days, the plan is deemed approved and that isn’t something the Board would like to see happen. It has to be done right, that is why we need to accept the extension. Kate Stauffer, also of the Village, stated that the PA Constitution says we have a right to clean air, clean water and clean

environment. The residents are very concerned about the toxicity is doing to the people downstream or potential new home owners.

Mr. Walko replied that there has to be a basis to say no. Under the law, the DEP has standards that are set up for remediation, but without a remediation plan, we do not know what can be done with the property. We are not there yet. Ms. Drummond said we are waiting for a cleanup plan and the DEP drives that. Mr. Orlow said the land development process itself is painful, but it is the law.

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

[2018-10-SD](#) for “HP Flanagan / Bacton Way” – Preliminary Subdivision until June 30, 2019

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

[2019-05-CU](#) for “Rock Gym” – Conditional Use until May 15, 2019 (to hold Hearing)

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

Consider Donations to Peoples Light and to Great Valley Community Organization.

Mr. Orlow made a motion to approve the donations for both Peoples Light and Great Valley Community Center for \$1500 each. Mr. Lambert seconded the motion; the motion was approved 3-0.

Motion to Advertise Street Improvement Project for 2019: Mr. Steele, gave a brief overview of the roads being paved as part of the annual paving project. They are Summit Road, Madeline Drive, Queen Anne Lane, Kevin Way, Carol Lane, between King and Summit and Summit between Carol and 352. Aqua just installed new water mains on these roads, so the cost of this project is shared between Aqua and the Township. Other roads to be paved are Woodcrest, Village Way, Fahnestock Road, Longview Road, Lantern Lane, Ravine Road and Old Morehall Road. Mr. Lambert made a motion to advertise for Paving Street Project for 2019. Mr. Orlow seconded the motion; the motion passed 3-0.

Consider Sending Township Solicitor to Zoning Hearing Board to Support / Oppose

ZHB 2019-6. 50-68 E. Swedesford Road, appeal of LCOR for a special exception to install identification and wayfinding signs for apartment and office buildings. Mr. Brown said it’s not necessary.

Approve resolution to authorize submittal of DCNR grant for construction of Bacton Hill Park \$250,000; first phase is \$650,000. Mr. Orlow made a motion to approve DCNR grant submittal. Mr. Lambert seconded the motion; the motion was approved 3-0.

Approve resolution to authorize submittal of DCNR grant for acquisition of Balderston property, \$84,850. Mr. Lambert made a motion to approve DCNR grant submittal. Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve resolution to authorize submittal of DCNR grant for acquisition of SpringRidge property, \$457,286.

Mr. Orlow made a motion to approve DCNR grant submittal. Mr. Lambert seconded the motion; the motion was approved 3-0. After the motion, a question was asked why the township is purchasing this property. Mr. Orlow said for Open Space. Ms. Drummond said for the record, we are not purchasing we are looking for the money to purchase the property but it has not yet been purchased.

Accept bench donation for Valley Creek Park – Mr. Brown said a resident would like to donate a memorial bench to be put in Valley Creek Park. Mr. Orlow made a motion to accept the donation of the bench. Mr. Lambert seconded the motion; the motion was approved 3-0.

Approve 2018 CAFR - Fund Balance Assignments:

Mr. Nagel gave a brief overview on the Comprehensive Annual Financial Report for 2018. We have a total of almost \$13.9 million in general fund, capital improvements, and other governmental funds. The staff recommends some additional assignments as well as some shifting of assignments and funds. Move half a million dollars to the Highway Fund. As the commitment for the fire apparatus has already been achieved, that money becomes unassigned. The storm water management for federal and state purposes is getting more intense so the staff recommends to the board half a million dollars to that purpose. Move half a million to volunteer committee resources, which include Open Space, Park Board, EAC, Historical Commission and Planning Commission. Increase funds to renovate municipal infrastructure to 3 million with some minor adjustments, one for budgetary reserve for \$32,000. Mr. Lambert made a motion to approve the 2018 CAFR fund balance assignments as outlined by John Nagel. Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve Request from Great Valley School District for Waiver of Fee (\$27,000) for Concrete Repair at Great Valley Middle School. Ms. Drummond said they very generously allow us to use the middle schools every summer for our camp at no charge. So, very fair to grant them a waiver of this fee. Mr. Nagel explained it is very common for Municipalities to grant school district waivers of fees because they are taxpayer dollars. Mr. Orlow made a motion to waive the permit fee. Mr. Lambert seconded the motion; the motion was approved 3-0.

### **Public Hearings:**

The hearing opened at 8:00pm

Ordinance for Deferred Retirement Option Plan for Firefighter and Emergency Medical Technicians Ordinance #309. This part of the hearing was postponed until next month; this was not advertised.

Mr. Walko, adjourned from the Public meeting into the Public Hearing to consider a Zoning Ordinance Amendment to Provide for Uniform Off-Street Parking Space Dimensions and Aisle Widths Ordinance #310. Mr. Walko stated the Exhibit #1 - is the Ordinance, #2 – Legal notice of tonight’s hearing, #3- Proof of Publication in the Daily Local Newspaper March 20 & 27, 2019, #4 – Proof of submission to the Chester County Law Library March 7, 2019, #5 – Submission of the ordinance to the Chester County Planning Commission on March 7, 2019, #6 – Submission to the East Whiteland Planning Committee March 7, 2019. Mr. Walko turned the hearing over to Mr. Barner for a brief summary. We are proposing uniform dimensions for our stall requirements. There being no public comment, the hearing closed at 8:05 pm and the public meeting resumed. Mr. Lambert made a motion to amend the Uniform Off-Street Parking Space Dimensions and Aisle Widths Ordinance #310. Mr. Orlow seconded the motion; the motion was passed 3-0.

Mr. Walko, adjourned from the Public meeting at 8:08 pm, into the Public Hearing to consider a Zoning Ordinance Amendment to Remove the Requirement to Obtain Special Exception Approval for Solar Energy Systems – Ordinance #311. Mr. Walko stated the Exhibit #1 - is the Ordinance, #2 – Legal notice of tonight’s hearing, #3- Proof of Publication in the Daily Local Newspaper March 20 & 27, 2019, #4 – Proof of submission to the Chester County Law Library February 21, 2019, #5 – Submission of the ordinance to the Chester County Planning Commission on February 21, 2019, #6 – Submission to the East Whiteland Planning Committee February 18, 2019. Mr. Walko turned the hearing over to Mr. Barner for a brief summary. Mr. Barner stated it is just the removal of that special exception. Mr. Walko stated this is just for the solar panels not for the wind systems. There being no public comment, the hearing closed at 8:15 pm and the public meeting resumed.

Mr. Orlow made a motion to approve Zoning Ordinance Amendment to Remove the Requirement to Obtain Special Exception Approval for Solar Energy Systems – Ordinance #311. Mr. Lambert seconded the motion; the motion was approved 3-0.

### **Planning & Development:**

Consider Authorizing Solicitor to Draft Resolutions for the following Subdivision & Land Development Applications:

[2019-01-SD](#) for “Frame Avenue Twin”– Preliminary / Final Subdivision - Mr. Barner stated that all comments are addressed and no outstanding issues. Mr. Lambert made a motion to authorize draft resolution. Mr. Orlow seconded the motion; the motion was approved 3-0.

[2019-06-SD](#) for “Swedesford / South Bacton Hill Road” – Preliminary / Final Subdivision – Mr. Barner stated all letters are clean everything is in order. Mr. Orlow made a motion to authorize draft resolution. Mr. Lambert seconded the motion; the motion was approved 3-0

Consider Approval of the following Subdivision & Land Development Applications:

[2018-29-LD](#) for “Frazer Lanes Redevelopment” – Preliminary/Final Land Development

Ms. Alyson Zarro, Riley Riper Hollin & Colagreco representing the applicant, stated all conditions have been met, all fees have been paid. Question from a resident came up about what will happen to the people that currently reside in the mobile park. Shaun Gallagher commented that GMH has gone over and above what is required by the State to help the residents find housing. GMH purchased some mobile homes from the residents and extended the park closing until school is out in June so those that have children can complete the current school year. Mr. Lambert made a motion to approve the Preliminary Final Land Development with the amended condition F included. Mr. Orlow seconded the motion; the motion was approved 3-0.

[2018-27-SD](#) for “Shirtz Farm” – Amended Final Subdivision & Land Development

Mr. Barner spoke on behalf of Applicant who was not at the meeting. One addition is that the HOA will maintain all trees on the plan. This is an amended final plan. It first was approved in September of 2014, preliminary was in 2007, so this has been around for many years. A resident from Sproul Road expressed concern about not being notified of this and they are concerned about not knowing about easements and setbacks. Mr. Barner took the resident’s information and will make sure he is put in contact with the developer. Other residents from Sproul road are concerned where the development will come out on to 352, the traffic already is a problem. Mr. Orlow made a motion to approve the amended Final Subdivision Land Development plan. Mr. Orlow seconded the motion; the motion was approved 3-0

[2018-30-DP](#) for “Exeter at 9-25 Great Valley Parkway” – Preliminary/Final Land Development:

Ms. Zarro again for the applicant. This is a two building lot in Great Valley Corporate Center. They are proposing improvements to the parking lot and truck turnaround. Mr. Lambert made a motion to approve the Preliminary/Final Land Development. Mr. Orlow seconded the motion; the motion was approved 3-0.

### **Presentation of Draft Amendments to the Subdivision & Land Development Ordinance:**



2019-04-10 SALDO  
Presentation.pdf

Chris Williams from McMahon introduced proposed ordinance revisions to walk the Board through highlights. No action needs to be taken. Some changes were made within the Township as part of the Comprehensive Plan process reclassification. One of the recommendations was to develop an official map and take a look at the ordinance in the township. It was found that the current ordinances for road design standard do not mention bike and pedestrian facilities. There are many additions and revisions needed to bring everything to current standards.

Several residents are concerned about the bicycles on the Chester Valley trail not abiding rules. Martin Lutz expressed concern with the recommendation to limit single access street routes. He recommended changes to give the Board discretion. We don't want a through street because it's not in the best interest of the township.

### **Consent Agenda:**

Approve Meeting Minutes from March 13.

Acceptance of the Treasurer's Report: As of February 28, 2019.

Ratify Payment of Bills: \$1,233,108.79 (March 2019) Detail List not included. Ms. Drummond made a motion to remove Ratify payment of bills from Consent Agenda. Mr. Lambert seconded the motion; motion approved 3-0.

Approve Host Municipality Resolution #28-2019 for Immaculata University Redevelopment Assistance Capital (RACP) Grant Application.

Approve Tri-Party Cooperation Agreement for Immaculata University Redevelopment Assistance Capital (RACP) Grant Application.

Ratify Proposal from Vanguard Modular Building Systems (\$129,781).

Ratify Lease Agreement with Vanguard Modular Building Systems (\$1,493 Monthly).

Approve Social Media Policy.

Approve Tuition Reimbursement Policy for Non-Union employees– Mr. Lambert questioned on page 29 tuition reference 100% and max reimbursement 80% for B, and 70% for C. Mr. Nagel said yes it should read 80% for B and 70% for C, there is a dollar cap on semester and annual reimbursements.

Approve Water Service Termination Agreement with AQUA PA.

Ratify Microsoft Office 365 for Police Department (\$2,880 Annually).

Approve Agreements with Key Bank for Key Capture Remote Deposit, Wire Transfer and Cash Management.

Resolution to Approve Destruction of Specific Archived Records

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

### **Announcements**

Executive Sessions were held on March 26 at 3pm and April 10th at 6pm to discuss personnel, legal and real estate matters.

### **Public Comment for items not listed on the Agenda)**

Mr. Caban gave a brief presentation on what should be done at 352 and King Road. He suggests that each direction get their own turn. If you do that each lane will totally empty out then the next lane goes. It would be much cheaper than the two proposed plans. Tim would like to see the plans that East Goshen has shown their residents. The township is looking into two plans. Mr. Williams of McMahon submitted an updated concept plan a week ago, but staff has not reviewed it at this point. The next step would be to get East Whiteland Township and East Goshen together and go over the 2 options. The Board agreed to have Mr. Caban's suggested plan examined as a third option.

**Meeting Adjournment:            10:30 PM**

**Donna Wikert**

**Board Secretary**