

Board of Supervisors
January 11, 2023 Minutes

Board Members Present: Scott Lambert, Chair; Rich Orlow, Vice-Chair; and Peter Fixler, Member

Staff Present: Steve Brown, Assistant Township Manager; Donna Wikert, Operations Manager, Township Secretary; Usha Hogan, Direct of Finance; Zach Barner, Director of Planning and Development ; John Mateja, Zoning Enforcement Officer ; John Neild, Direct of Public Work; John Nagel, Special Projects; Chris Yeager, Police Chief; Greg Lewis, Fire Chief; Bernadette Kearney, Township Solicitor.

Mr. Lambert called the Zoom meeting to order at 7:15 P.M. Pledge of Allegiance

Board Briefings:

Executive Session(s) were held on January 10, 2023, at 5pm (legal, personnel and real estate)

Recognize Steve Brown for promotion to Township Manager Mr.

Lambert spoke on behalf of the Board and Staff:

Steve joined the East Whiteland Team in 2017, serving primarily in the role of Zoning & Code Enforcement Officer, before taking on additional duties as the Township's Director of Property & Recreation.

In 2018, Steve was promoted to Assistant Township Manager and Director of Codes & Life Safety – where he oversaw various Departments, including Building and Code Enforcement, Fire Services, Emergency Medical Services, and Planning & Development.

Steve brings a wealth of experience in local government, with a career spanning more than 35 years. After graduating with a Bachelors of Science in Public Administration from Juniata College and a Masters Degree in Public Administration from the University of Delaware, Steve began his career in government at the City of Reading. He was later hired as the Assistant Township Manager in neighboring West Whiteland Township before becoming Township Manager in London Grove Township in southern Chester County.

Steve is a 35 year member of ICMA (the International City/County Management Association) and currently serves as the Township's representative to TMAACC (the Transportation Management Association of Chester County) – where he recently participated in their Strategic Planning Initiative.

Steve is the loyal husband of Jeanne Brown (who grew up in East Whiteland Township) and the proud father of two sons (Daniel and Andrew) ... and three spoiled cats...

In his spare time, Steve volunteers with Boy Scout Troop 78, where he is very involved with the Radnor Race Committee (which in turn supports the Brandywine Conservancy).

Mr. Nagel also congratulated Steve on his promotion. Mr. Nagel added that Steve deserves this, he has taken on anything and everything he has been assigned. Steve has been instrumental in these areas and projects such as Bacton Hill Park, Stormwater Management, Open Space, Springridge and Balderston properties, Life Safety inspections, DCED Grant, and Park & Recreation. Steve embraces Public services and he accepted the challenge of carrying the staff onto bigger and better things.

Mr. Orlow said he is honored to have known Steve for over 20 years not only through work but through Boy Scouts and he knows he is a leader. Mr. Fixler commented that he is looking forward to working with Steve.

Mr. Brown thanked everyone for their kind words. It's an honor and privilege to serve and be appointed East Whiteland Township Manager and greatly appreciates the faith and trust the Board of Supervisors has placed in him. He is excited to serve in this role. He mentioned all the hard work of the prior Managers, Supervisors and Staff before him. He plans to do his best and uphold the tradition of excellence and government and will work hard for the Board, Staff and Community.

Mr. Lambert recognized John Cochran and Jack Goodrich on their 99th Birthday.

Mr. Goodrich was in the audience. He will be celebrating 100 years old on January 17, 2023. We all wished him a very happy birthday. Mr. Goodrich said he would be spending time with his family playing his favorite board game.

Sewer Sale – Mr. Nagel said no update on the appeal at this time.

Route 30 Corridor - Mr. Lambert gave a brief update; the committee will resume their activities on the thirty-million-dollar grant application for road improvement on route 30. We will be utilizing part of the three million dollars that we have been awarded for engineering studies, this work has already begun. The application is due February 28, 2023, we will be gathering letters of support. Mr. Lambert also mentioned he will be traveling to Washington DC in March, making a presentation to the US Department of Transportation. The grant we are trying to secure is for the route 30 corridor to improve safety and mobility and connectivity and the amount is approximately twenty-two to twenty-five million dollars.

Mr. Nagel presented the draft Master Campus Plan. Once finalized it will be submitted and posted on our social media outlets. When the 2022 Raise Application was submitted there was a cost estimate and project plan provided by McMahon. (see attached after the minutes)

Mr. Lambert added we received several different grants; we are also looking at 1.5 million in grants that will help offset our costs.

Campus Master Plan – Mr. Nagel mentioned we are meeting tomorrow to discuss the upgrades to the administrative building and the Police station. We are also going to discuss the comfort station, to be funded hopefully by County grant that application is due the end of February. More information to be presented at the February Board meeting.

Malvern TCE site – announce public comment/participation opportunity.

Mr. Brown, this is an opportunity for public comment and participation from the EPA the current plans is from 1996. The plan is meant to capture community needs, concerns, and expectations during the cleanup process. It's a road map to engage the community and identify our key concerns. Katie Page has reached out to us to start community interview to update the document. There are two ways to participate via phone direct interview or via the same questions but in a word document. We will promote this on our website and facebook page, once we get all the information from Katie.

Bishop Tube Update

Mr. Brown said BSTI continues to review the selected remedial plan that DEP provided to us in the fall. The DEP is planning to hold a public meeting, he doesn't have all the details yet, maybe two months out. They have had a difficult time finding a venue. There will be a public meeting sounds like sometime in the first quarter of the year. Mr. Brown in not sure if this is will be a Public hearing format., but will let us know when he finds out .

Deb Mobile asked if they could obtain another \$50,000 grant, she thought she understood it might be available. Mr. Brown said he will follow up with BSTI. That is definitely something to pursue.

Chief Yeager briefed everyone on the tremendous number of calls about people parking in the Lincoln court, in the fire zone, which is in front of all the store fronts. Please do not park in the fire zone, you will be ticketed.

Board Motions & Resolutions:

Ratify the Captain appointments from the December meeting. Bryan Rachko and Jacob Bailey Mr.

Brown said this is to rectify an oversite from last month meeting this was not voted on.

Mr. Fixler made a motion to ratify the captains' appointments from December. Mr. Orlow seconded the motion; the motion was approved 3-0.

Ratify Conditional Job Offer to Aidan Borry for Full Time Firefighter EMS Position

Captain Lewis introduced Aidan Borry our new Full time Firefighter EMS, he resides in Ephrata. Aidan was the number one candidate. He went to Harrisburg community college 67th fire academy.

Mr. Fixler made a motion to ratify the job offer to Aidan Borry. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Life Safety inspection program – Chief Lewis, gave an overview of the inspection program. It has been talked about for quite some time. The fire department staff does a lot of pre-planning with the commercial facilities and preplanning the buildings, so they know the layout in the event of an emergency. They are noticing many fire code violations that could put the community owners at risk and our firefighters in the event there is a fire in these facilities. The life safety inspection program will allow us to go into the business and point out these very important life safety problems with the facilities. This program will get us out in the community and most importantly make everyone safer. This program focuses on commercial properties only. Mr. Brown pointed out that along with Chief Lewis, D.J. Matthews and Mark Moses and helped put this together.

Mr. Orlow made a motion to move forward with the inspection program. Mr. Fixler seconded the notion; the motion was approved 3-0.

Planning & Development (ZB):

Consider Extension of Time to Render a Decision on the Following [Development Applications](#):

LD-12-2021 for 9 Malin Road – extension to March 31, 2023

LD-02-2022 for 10 Malin Road – extension to March 31, 2023

LD-05-2022 for GVSD 5/6th Grade Center – extension to April 30, 2023

LD-08-2022 for Shouldice Hernia Repair – extension to March 31, 2023

Ms. Mobile asked about 9 & 10 Malin, she would like to know if the township received the testing that was claimed to have been done by the current owner. Mr. Braner said yes, some of the reports, we initiated our own file review and review of some available information through DEP and some of the corresponding data we had through prior reviews. Ms. Mobile said not all of the information that was promised. Mr. Barner said not sure. Ms. Mobile asked if the information can be made available via the website. Ms. Keanrey said we would need to look at it before we can post it. Ms. Mobile said once again, there is a question on if we received the information. I think we need to know what type of testing is done, what contaminants were tested for, and who performed the test and what are their qualifications. This property is linked with Bishop tube.

BSTI will be going over these reports, this is an agenda item under consent. The file review has been completed.

Barb Arnold asked if the Township Engineer review the drain system the applicant wants to use. Mr. Orlow said the stormwater should have been part of the application. Mr. Barner said yes this has been reviewed design and calculations. Barbara asked if the walk of the property had been completed. Mr. Lambert said yes yesterday. Mr. Orlow asked if the NPDES has been approved by conservation district and kicked up to DEP yet? Do we know if conservation as finished there review? Mr. Barner said we have not received notification that it has gone to DEP. They have been doing the technical part of the review they are currently working on and it has not been approved.

Mr. Johnson, also commented on this and said this site is toxic and the run off from this would run all the way to route 30. All the chemicals are flowing into the little valley creek and are flowing though and across Lancaster Avenue. There are other chemicals and the levels that are coming from that land, it is a toxic mess.

Ms. Kearney is questioning the letter of extension the letters she has asks for February not March. Mr. Barner will look into this.

Mr. Orlow made a motion to approve the extension of time for 9 and 10 Malin Road to February 15, 2023, based on their letter. GVSD 5/6th Grade Center to April 30, 2023, Shouldice Hernia Repair to March 31, 2023. Mr. Fixler seconded the motion; the motion was approved 3-0.

Consider Final Release of Financial Security for the Following Developments:

Great Valley Crossing on Church Road (Toll) in the amount of \$285,030.23 (Bond)

Members of the homeowners association asked that the Township consider withholding the final release of financial security due to outstanding items contained within their transition study. The association has experienced issues with the developer not resolving issues in a timely manner and not providing requested reports for previous work that was completed.

There was a discussion regarding the role of the Township throughout the development process as compared to the transition process between the developer and the homeowners. The Township must abide by the regulations outlined in the Municipality's Planning Code, including specific timelines to inspect improvements and release funds. The Township is limited to the items that are contained within the construction estimate associated with the bond that was posted by the developer. The Township agreed to table the release until the Township Engineer and Staff have the opportunity to review the transition study.

Mr. Lambert said the advice from our solicitor is to not release the Great Valley Crossing financial security at this time. Mr. Orlow said by not making a decision on it not rejecting it but not approving it. Ms. Kearney said correct if you want to have a special meeting on it, reach out to the Attorney we will do it. Mr. Orlow mentioned that there will be many issues that will only be between the homeowners and Toll Brothers not involving the Township. Not every issue you are finding has Township involvement.

Reserve at Great Valley on Flat Road (Toll) in the amount of \$381,496.80 (Bond) RO

40 Liberty Boulevard (WorkSpace) in the amount of \$222,372.38 (Cash) RO

Mr. Orlow made a motion to authorize the final release of financial security for the Reserve at Great Valley and 40 Liberty Blvd. Mr. Fixler seconded the motion; the motion was approved 3-0.

Execute Written Decision for the Following Conditional Use Applications:

CU-11-2022 for Chester Valley Golf Club "Short Course"

Mr. Orlow made a motion to authorize the execution of written decision. Mr. Fixler seconded the motion; the motion was approved. 3-0.

Zoning & Code Enforcement:

Consider Sending Township Solicitor to Zoning Hearing Board to Support or Oppose:

ZHB-2022-11 for Application of Marram Emily Jane Plapp, as to certain property located at 98 Spring Road. Application is for a variance from Section 200-28 to allow an in-home occupation by a licensed professional counselor, with the business activity being conducted within a previously existing yurt already erected as an accessory use on the property.

Consider Action on Zoning Hearing Board Decision & Orders:

ZHB-2022-10 Application of John and Kristy Kane at 11 Buttonwood Avenue No need to send a solicitor.

Updates regarding Current Code Enforcement and Property Maintenance Matters:

Mr. Mateja mentioned there have been several inquiries about home business and permitted uses. Mr. Mateja reminded everyone that on our Website under Quick Links there is a link that is readily accessible. On our home page click on Map link Zoning map for basic information on questions. <https://ea1727.zoninghub.com/zoningmap.aspx>

Catalyst project has begun on Route 30 & 29, Township staff continues to monitor the progress to ensure compliance. Mr. Lambert mentioned there had been interest in the Pioneer gas station on Route 30 and Plane Brook, he said our codes dept has viewed the property and reached out to the property owner. Mr. Mateja said they had not heard anything back from the property owners but will be visiting the property tomorrow.

Ms. Mobile has concerns about the yurt, she said its typically a tent without a bathroom. Why are we allowing someone to put a business up in their yard in a residential area. That is part of the general warren village, and no one asked me? I do not support setting up a tent and think you need more information. The Board suggested she attend the Zoning hearing board meeting January 23, 2023. John Mateja said the code requires posting 1 week in advance and publication in DLN 2 notices and the applicant is requires the applicant reach out to surrounding neighbors. Mr. Lambert asked how many people received notice, Mr. Mateja said four or five.

Public Comment: None

Consent Agenda (Consider Board Action):

Approve Meeting Minutes from December14, 2022 and January 3, 2023

Ratify Payment of Bills : \$580,573.88 (December 2022)

Accept Treasurer's Report for November 2022

Ratify Proposal from Brownfield Science & Technology, Inc. for Environmental Conditions Review for the Properties on South Malin Road for a price not to exceed \$5,000

Consider Proposal from RT Environmental Services, Inc. for Phase II Environmental Assessment at 164 Conestoga Road for a price not to exceed \$9,641

Approve final payment to Kompan for playground installation at Bacton Hill Park in the amount of \$345,423.55

Ratify Purchase of Police Evidence Library & Warranty (Motorola) (\$10,919)

Approve the purchase of a 2023 Chevrolet Tahoe for \$45,000 plus upfitting

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

Meeting Adjourned: 9:05pm

Donna Wikert

Township Secretary

