

**Board of Supervisors**  
**March 10, 2021**  
**Minutes**

Board Members Present: Scott Lambert, Chair; Rich Orlow, Vice-Chair; and Sue Drummond, Member

Staff Present: John Nagel, Township Manager; Steve Brown, Assistant Township Manager; Donna Wikert, Board Secretary; John Neild, Director of Public Work; Zach Barner, Director of Planning and Development; Ted Locker, Zoning Officer; Chris Yeager, Police Chief; Joe McGrory, Solicitor; and Krista Stefkovic.

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

Pledge of Allegiance

**Board Briefings:**

Executive Session(s) were held on February 10 at 5pm (legal and real estate).

Andy Dinniman (Retired State Senator) and Coatesville NAACP recently hosted a Zoom Podcast for Black History Events. You can access these and other talks through the Chester County NAACP Coatesville Facebook page (<https://www.facebook.com/chesconaacp/>), as well as Andy Dinniman's Facebook page (<https://www.facebook.com/AndyDinnimanChesco/>).

Property Maintenance Codes – Recent Activity – Ted Locker, Zoning Officer spent yesterday in District Court, where the Judge gave a few residents 30 days to clean up their property. The Township also filed a lien on a property owner. The township hired an outside contractor to come in and clean up this particular property.

Mr. Lambert announced that East Whiteland Township received Government Finance Officers Association Award, and Certificate of Achievement for Excellence award in Financial Reporting to East Whiteland Township for 2019. This is the fourth consecutive year that the township has received this award.

Bishop Tube – Staff Briefing on Remedial Investigation Report & Feasibility Study

Mr. Lambert said that last month the Board approved a preliminary Land Development project for Bishop Tube subject to 19 conditions being met. Mr. Brown explained that the DEP will next issue an Administrative Record and Selected Remediation Plan. It can take up to 6 months or so before they release the plan. Then a 90-day public comment period will begin. At that point, the \$50,000 grant East Whiteland Township was able to obtain will go to BSTI to review and comment on the DEP plan during that 90-day period. The township will let the public know when the DEP plan is made available for comment.

**Planning & Development:**

Consider Rendering a Decision on the Following Subdivision & Land Development Applications:

LD-13-2020 for Parking Expansion at 45 Liberty (Equus Capital Partners, LTD) – Preliminary/Final Land Development. The subject property is located at the northeast corner of Swedesford Road and Liberty Boulevard.

No questions were asked. This has been before the Board for the last several months. Ms. Drummond made a motion to accept and approve the Preliminary Final Land Development for 45 Liberty Blvd. Mr. Orlow seconded the motion; the motion was approved 3-0

Deb Mobile commented on how disappointed she was in the decision that the Board of Supervisors made last month concerning the development of Bishop Tube. She mentioned the River Keeper won another court battle concerning Constitutional Partners violating the terms of PPA, and how they put another agreement in place. She urges the Board to join the fight for clean and green clean up. She had questions she wants answered in time, not necessarily tonight.

- 1- Who from the Township will be responsible to oversee the development and make sure the agreement is being followed?
- 2- What expertise do they have in cleaning up toxic sites?
- 3- What is the frequency of the inspections that are being done?
- 4- Who is paying for this oversight?
- 5- What provisions have you made for the residents for financial compensation due to property damage, lowering property values, relocation cost, health costs, long term health risks.

Barb Arnold asked when the 90-day public comment period will start. Mr. Brown said after DEP releases a proposed Action Plan and the Administrative record, they will publish notice in the Pa. Bulletin. We will post on the website once we hear.

Discussion of Requested Rezoning of Knickerbocker Tract, located between Mill Lane, Lapp Road, Old Morehall Road, Liberty Drive, and Swedesford Road.

Denise Yarnoff spoke on behalf of Jason Dempsey, DP Partners, LLC: We have been working with the Township for over two years now on this development. We have provided all information requested by the Township; the property is appropriate to develop on. We would like the Township to schedule a hearing so we can move forward with this land development. The best way to move forward would be with 55 and older units; this does not affect the school district, lowers traffic, lowers light pollution. We have provided the Township with scientific data and there are no ongoing environmental concerns. Mr. Johnathan Spergel, environmental attorney, explained that the Phase 1 report was provided to the Township in October 2020, and extensive testing was performed on this site. The Township has everything needed and we have no concerns on developing this site.

Mr. Hann from the solicitor's office, asked where the Phase 1 report on Area B is, We need both area A and B phases to make a decision. We have not yet received it from DP Partners,. Mr. Dempsey insisted that the Board was given all the information. Ms. Yarnoff said they will get Phase 1 for Area B to the Board as soon as they can and is solely looking to confirm a date for the hearing tonight. Mr. McGrory explained the only thing the Board can do is commit to a motion to advertise in April. Without having the full picture in front of them, they cannot decide tonight.

Mr. Lutz wanted to comment that there are too many unanswered questions to make decisions on this topic. He provided the Township with history of Knickerbocker a few weeks back and wondered if anyone had a chance to look it over, or if there are any questions. He described a quarry being on the west side of Area A and that if allowed to build townhomes, this would be building on top of a quarry. He also asked about multi use trail verses walking trail and believes it needs to be a walking trail. Ms. Yarnoff said it was too early to discuss this, but it is something that should be discussed once land development starts.

Mr. Caban asked Mr. Orlow and Ms. Drummond to comment on why they favor residential development over warehouse space. Mr. Orlow felt that the location itself leans toward commercial, but the larger benefit is leaning toward residential. If it were warehouse, there would be no open space. The fact they can restrict Mill

Road to only emergency is a huge plus. The fact that half of this is age restricted is a big plus, it reduces the school issues and reduces traffic. Ms. Drummond said she agrees with everything Mr. Orlow said. She added if it were warehouse instead of residential, it would be like a distribution center and there would be traffic and trucks in and out at all hours of the night.

Consider Extension of Time to Render a Decision on the Following Applications:

SD-12-2020 for Remnant Parcel Subdivision (Knickerbocker Lands, LLC) – to June 30, 2021. The two subject properties are located along Conestoga Road (east of Mill Lane) and along Swedesford Road (east of Hillside Drive), respectively.

Mr. Orlow made a motion to accept and approve the extension of time to June 30, 2021. Ms. Drummond seconded the motion; the motion was approved 3-0.

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

Accept Notice of Retirement from Chief Fire Official, Matt Fink, after 26 Years of Service.

Mr. Orlow announced the retirement of Chief Fire Official, Matt Fink; he has been a well-liked and highly regarded employee for the past 26 years. He will be hard to replace, and we wish him well. Mr. Lambert seconded that comment. Mr. Nagel referred to Matt Fink as the voice of reason and he will be greatly missed.

Mr. Orlow regrettably made a motion to accept the Chief Fire Official's retirement notice. Ms. Drummond seconded the motion; the motion was approved 3-0.

Approve Proposal from B.E. Hassett Millwrights, LLC for Mechanical Work and Mill Wheel Installation at Gunkle Spring Mill, for a price not to exceed \$20,500.

Mr. Barner reiterated that this proposal is for the installation and mechanical work on the wheel. Once this is completed it will be closer to complete by end of year. It was suggested to put a fence around it so no one can climb or get hurt.

Ms. Drummond made a motion to accept and approve the proposal not to exceed \$20,500. Mr. Orlow seconded the motion; the motion was approved 3-0.

Discuss 2021 Summer Concert Series

Mr. Brown explained that The Friends of Summer Stage are no longer functioning as an entity. The Township has always budgeted \$10,000 to assist in helping book concerts. The Parks & Recreation Committee is interested in trying to continue doing this, and is asking for thought, comments, and concerns from the Board. Mr. Orlow mentioned this would require a lot of time and commitment to pull this off. If the Parks & Recreation Committee would like to come up with a plan and bring it back to the Board next month, they would listen.

Several comments and concerns came from a few residents. They asked the Board to not be in such a rush to push this out, that we still need to follow CDC guidelines. They felt that there is a need for a back-up plan in case of rain. It was also mentioned that the Friends of Summer Stage was set up under a 501c3 nonprofit plan, and after several years would be self-funded through sponsorship dollars. Mr. Brown, for the record, said he really meant that the Friends of Summer Stage had run out of steam. Mr. Nagel explained that the 501c3 is a status with the IRS. Friends of Summer Stage has always been independent of the Township and a separate legal

entity. Matt McGuire would be the person of contact about the 501c3. It is a conflict for the Township to get involved with the 501c3.

**Motion to Award:**

Bid to AJ Jurich of Aston, PA for \$135,071, for Malvern Hunt WWTP Diversion Project (Divert Flow into Valley Forge Trunk Sewer Line to Treatment Plant).

Ms. Drummond made a motion to accept and approve the bid from AJ Jurich. Mr. Orlow seconded the motion; the motion was approved 3-0.

Sale of 2010 Ford Expedition, through MuniBid for \$8,476.

Sale of 2008 Ford E-350 Utility body Diesel, through MuniBid for \$21,600,

Ms. Drummond made a motion to accept and approve the sale of both the 2010 and the 2008 vehicles. Mr. Lambert seconded the motion; the motion was approved 3-0.

**Motion to Advertise:**

Consider Approval of Resolution to Establish Hearing Date for Zoning Text Amendments related to the following:

An Ordinance Amending the East Whiteland Township Zoning Ordinance to Repeal Article XIX, Amendments.

Mr. Barner explained this is related to process for amending ordinances. Some of these provisions are redundant and cause confusion, so this will make it clearer to everyone.

Mr. Orlow made a motion to accept and approve for advertising. Ms. Drummond seconded the motion the motion was approved 3-0.

Question came from Tim Caban: He asked Mr. McGrory if he was removing just the sentence that reflects the opportunity to be heard. Mr. McGrory said yes that everyone has the right to be heard at a zoning amendment hearing, but the wording says everyone has a standing, and there is no such thing as a standing. Mr. Caban said, this is such a simple statement, and he finds removing this is an affront to the community. He is skeptical and feels this is a gross insult to the community. Mr. McGrory still recommends the changing of the ordinance.

**Motion to advertise/establish a hearing date by resolution:**

An Ordinance Amending the Township Zoning Map to Rezone the Properties Located at 9 & 10 South Malin Road from RRD - Residential Revitalization to I - Industrial. The subject properties are located south of Lancaster Avenue, adjacent to the Mobil Tank Farms property.

Mr. Orlow made a motion to accept and approve to advertise for a hearing April 14, 2021. Ms. Drummond seconded the motion; the motion was approved 3-0.

**Zoning:**

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

ZHB 5-2021 – Application of Cellco Partnership d/b/a Verizon Wireless for a Variance from Section 200-92.(F)(1) to allow the placement of the wireless communication facility.

ZHB 6- 2021 – Application of Sisters, Servants of the Immaculate Heart of Mary for a Variance from section 200-83.C to allow a second sign with an area of 21 SF. The sign is proposed on a wall that is 6 feet tall and 26 feet long. The property is located at One Our Lady Circle and is located within the Institutional Zoning District.

The Board agreed there is no need to send the Solicitor to these Zoning Board Hearings.

**Public Comment:**

Mr. Lutz asked what the status of the covenant on the open space Ecology Park is and can it be updated on the Township website. Mr. McGrory said it has been filed and it available at the Township Building but also can be placed on the website.

**Consent Agenda:**

Approve Meeting Minutes from February 10, 2021

Ratify Payment of Bills: \$722, 213.62

Accept Treasurer’s Report as of December 31, 2020

Ratify Underground Services Proposal for Locating Utilities along Bacton Hill Road for \$1,200

Ratify proposal from BSTI for \$3,000.

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

**Meeting Adjournment**

**9:45PM**

**Donna Wikert**

**Board Secretary**