

## Board of Supervisors Minutes

April 14, 2021

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, Direct of Public Work; Zach Barner, Director of Planning and Development; Ted Locker, Zoning Officer; Bob Floyd; Clerk of Works, 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 March 31 at 10am (personnel), April 7 at 1pm and 3:15pm (real estate), and April 14 at 5pm (legal, personnel, and real estate)
- 2021 Long Term Road Plan PA Department of Banking and Securities April 2021:  
Mr. Nagel explained how they decide which roads in the township will be paved or worked on every year. ARRO and Public Works Department put together a long-term road project. In the past 5 years \$1.8 million has been spent improving township roads, looking at the quality and length of time the Roads can support the Township. Mr. Neild reported that they have completed 70% of any road scoring below, 41% of roads scoring between 90 and 94 and anything above 94 requires only minimal repair. Mr. Neild said the Township is looking at Warren Ave, and getting ready to replace a box culvert, which is a long-term project 2020-2023. Once the bid is awarded the list of roads to be paved will be posted on the website.
- Mr. Lambert said items under Planning 7E will be taken off the agenda tonight and a workshop will be scheduled April 26, at 9:00am.

### **Consumer Financial Protection Virtual Events – Website**

#### **Avoiding Scams and ID Theft:**

Chief Yeager reported an increase in scams, many targeting the elderly. One scam involves a subject contacting grandparents and reporting their grandchild has been arrested (usually in a foreign country) and needs bail money to get out or they are stranded. One scam involves the IRS sending a refund and needing bank information. A PC virus scam involves a message on your screen asking you to click for message that then allows full access to your PC. Please call the Police if you receive any scam related email or phone calls. The Police are here to help so please make them aware. Do not give anyone you don't know information over the internet or phone. Call the Police first to be on the safe side!

## **Property Maintenance Codes – Recent Activity**

Ted Locker, Zoning Officer gave a brief update on properties that had been to District Court, where the Judge gave a few residents 30 days to clean up their property. So far, the residents on several of these properties are taking care of the trash citations and cleaning up.

Mr. Orlow announced the passing of Mr. Lambert's father, and we had a moment of silence in honor of Mr. Donald Lambert.

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

Accept the retirement of Matt Fink as Chief Fire Official

Mr. Orlow made a motion to accept and approve Matt Fink's retirement. Ms. Drummond seconded the motion; the motion was approved 3-0.

Mr. Orlow expressed his thankfulness to Matt Fink for all that he has done and how professional he has handled himself though out his 26 years of service. On behalf of East Whiteland Township, we are all sorry to see him retire and we wish him well! Mr. Nagel and Mr. Brown both agreed and thanked Matt for all his hard work, job well done! Matt Fink thanks everyone for allowing him to serve the last 26 years and will always be loyal to the Township, staff, and residents.

Ratify Appointment of Loren Nafziger as Interim Chief Fire Official and as Interim Emergency Management Coordinator (Two Separate Appointments).

Ms. Drummond made a motion to accept and approve the appointment of Loren Nafziger as Interim Chief Fire Official and Interim Emergency Management Coordinator. Mr. Orlow seconded the motion; the motion was approved 3-0.

Ratify Appointments of Jack Stewart as Interim Fire Marshal and Greg Lewis as Interim Deputy Fire Marshal.

Mr. Orlow made a motion to accept and approve the interim appointments for both Jack Stewart and Greg Lewis. Ms. Drummond seconded the motion; the motion was approved 3-0.

Approve Appointment(s) to Park & Recreation Board

Mr. Lambert made a motion to approve two new Park & Recreation Board members, Tara Pellini and Amit Kohli. Ms. Drummond seconded the motion; the motion was approved 3-0.

### **Motion to Advertise:**

Paving Projects 2021: Mr. Neild briefed the Board on paving and patch paving roads in the Township. The list of roads will be posted on the website and will encompass 45,200 sq. yard of milling and paving and 1300 sq patch paving. The cost has been fluctuating with the prices of oil.

Ms. Drummond made a motion to approve the paving project for advertisement. Mr. Orlow seconded the motion; the motion was approved 3-0.

**Ordinance Repealing and Replacing Township Code, Article III Historical Commission.**

**Ordinance Repealing and Replacing Township Code, Article II Park and Recreation Board.**

Mr. Lambert thanked Sue Drummond and Krista Stefkovic for their hard work for the past few months as they worked on updating and cleaning up these Ordinances. Some have not been looked at since 1960. They added social media compliance to the Ordinances, revised duties, and made changes to the term of service.

Ms. Drummond made a motion to approve and advertise for - Ordinance Repealing and Replacing Township Code, Article III Historical Commission and Ordinance Repealing and Replacing Township Code, Article II Park and Recreation Board. Mr. Orlow seconded the motion; the motion was approved 3-0.

**Motion to Award:**

Approve Sale of 2010 Ford Expedition through MunicBid (\$8,400)

Mr. Orlow made a motion to accept and approve the sale of the 2010 Expedition. Ms. Drummond seconded the motion; the motion was approved 3-0.

**Public Hearings:**

Zoning Text Amendment to Repeal Article XIX related to modifications, supplements, and amendments to the Zoning Ordinance.

Full details of the hearing, along with the transcript prepared by a court reporter are available to view at the Township Building.

Mr. McGrory closed the record reconvene into the public meeting portion of the agenda. This Ordinance is now in the position for consideration.

Ms. Drummond made a motion to repeal article XIX. Mr. Orlow seconded the motion; the motion was approved 3-0.

Zoning Map Amendment 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 Buckeye Terminal property.

Full details of the hearing, along with the transcript prepared by a court reporter are available to view at the Township Building.

Mr. McGroary closed the record reconvene into the public meeting portion of the agenda. This Ordinance is now in the position for consideration.

Mr. Orlow made a motion to accept and approve the Zoning Map Amendment to Rezone the Properties located at 9 & 10 South Malin Road from RRD (Residential Revitalization) to I (Industrial). Ms. Drummond seconded the motion; the motion was approved 3-0.

### **Planning and Development:**

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

- i. [WLD-02-2021 for Modular Office at 14 Lee Boulevard](#) (Vanguard) – Request for Waiver of Land Development to install a modular office building at an existing office building. The property, located at 14 Lee Boulevard, is within the O/BP (Office/Business Park) District.

Mr. Orlow made a motion to accept and approve the Modular Office at 14 Lee Blvd. Ms. Drummond seconded the motion; the motion was approved 3-0.

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

- ii. [LD-01-2021](#) for Parking Lot at 83 General Warren Boulevard – extension to June 30, 2021  
Ms. Drummond made a motion to accept and approve the extension of time until June 30, 2021. Mr. Orlow seconded the motion; the motion was approved 3-0.

#### **This portion of the Agenda has been moved to April 26, 2021 at 9:00am:**

Zoning Text Amendment related to Steep Slope Protection

Zoning Text Amendment related to Specialty Hospital as a Permitted Use in the FC (Frontage Commercial) and INS (Institutional) District

Zoning Text Amendment to GVR (Great Valley Revitalization) Overlay District related to Reduction of Height, Adjustments to Floor Area Ratios, Permitted Uses, Increase of Setbacks, and Revised Design Guidelines

Zoning Map Amendment related to GVR (Great Valley Revitalization) Overlay District for located south of Great Valley Parkway, east of Old Morehall Road, and west of Morehall Road

**Zoning:**

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

**ZHB 7-2021** – Application of Legacy Sign Company, Inc. for Chickie’s and Pete’s for a Special Exceptions from 200-82.A.(2) to allow 4 signs in excess of the area permitted and from 200-82.A.(2)(h) to exceed 40 lumens. Applicant also request variances to allow four signs on a lot greater than 5 square feet in size and within 150 feet of another sign. The property is located at 10 Liberty Boulevard, Malvern, PA. and within the O/BPS Office/Business Park Services zoning district.

There was much discussion on lighting and luminating the sign. The applicant was asking to exceed the Ordinance of 40 lumina for the sign. The Board asked if they would withdraw application to stay within the Ordinance of 40 lumina then there would be no need to send the solicitor. The applicant agreed.

**ZHB 8 -2021** – Application of Joan W. and Thomas R. Alexander for variances from section 200-20, 200-22, and Attachment #2 to allow 2 additions to encroach 4 feet into the 20-foot side yard setback and to also allow a shed 3 feet from the side yard where 10 feet is required. The property is located at 5 Buttonwood Ave. and within the R-2 Low Density Residential zoning district.

No need to send solicitor.

**Public Comment:**

Debbie Mobile brought questions before the Board last month and was wondering if the Board is ready to answer these questions. Mr. McGrory explained that this matter is under litigation and we are not able to comment. Once the matter is out of litigation, the questions can be answered. Ms. Mobile reminded us of her concerns:

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.

Barbra Ann Thav wanted to express that the light pollution is still a concern and wondered if this has been addressed with the Giant shopping center and D'Ambrosio's auto dealer. Mr. Locker is going to look into this again.

**Consent Agenda:**

- Approve Meeting Minutes from March 10, 2021.
- Ratify Payment of Bills: \$526,425.17 (March 2021)
- Accept Treasurer's Report as of February 28, 2021
- Approve Anti-Bias Training Proposal (Staff & Volunteers) from Anti-Defamation League (\$6,900)
- Ratify Proposal for Police Consultant from Strategic Investigative Resources Refer to Fee Schedule in proposal
- Approve Wastewater (Sewer) Collection System Fair Market Value Appraisal Proposal from AUS Consultants (\$25,000 to \$27,000, plus travel)
- Approve Resolution #24-2021 to Accept Sanitary Sewer Easements for Three Tun Road (Across & Through Lots 14-17) Malvern Hunt WWTP Water Quality Management Permit - ARRO Proposal (Not to Exceed \$5,500)
- Approve Request for Proposal for Construction Management Services for Municipal Campus Master Plan (New Police Facility & Renovations to Administration Building)
- Approve Proposal from McHugh Engineering for Basis of Design (BOD) to Upgrade Existing HVAC System of Administration Building (\$4,850)
- Authorize Staff to Accelerate Process to Collect Delinquent Sewer Bills, Including Notice of Posting for Water Shut Offs
- Ratify Second BSTI Proposal for Knickerbocker (\$3,000)
- Waive Building Permit Fees for Current Great Valley School District Projects (GVHS Stadium & KD Markley Roof; Total of \$126,508) Mr. Orlow asked what they are doing at the Stadium, Mr. Locker said they are proposing LED lights.
- Approve Proposal from LandConcepts for Design Services related to Island Beautification Project at the Intersection of Route 29 (Morehall Road) and Route 30 (Lancaster Avenue) (Not to Exceed \$2,600) Ms. Drummond would like to see the resulting plan be at reasonable cost to implement.

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.

Comment: Barbara Ann Thav asked that in the beautification of the island to please consider weed whacking on a regular basis that would help keep it under control.

**Meeting Adjournment 8:50 PM**

Donna Wikert, Board Secretary