

Board of Supervisors

May 12, 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, Direct 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.

**Board Briefings:**

- Executive Session(s) were held on May 7 at 3pm (personnel matter) and May 12 at 4pm (legal, personnel, and real estate)
- Action Meeting on Monday June 21 at 9:15am
- 2021 Long Term Road Plan - Darrell Becker, from ARRO, gave a brief presentation click here to view. <https://www.eastwhiteland.org/435/Infrastructure> .
- 2021 Transportation Project Inventory –Chris Williams from McMahon gave a brief overview click here to view. <https://www.eastwhiteland.org/435/Infrastructure>

Several questions came in from residents.

Mr. Lutz asked if Sidley Road and Chester Valley Trail have been engineered yet? Mr. Williams said no, it only exists as an idea at this time. Mr. Lutz also commented on Land Development Plans, specifically Sidley connection and Building #5 at Saint-Gobain, asking if there is anyway to have the trail connections included in the plan set. Mr. Williams thinks that is a great idea and said they are working toward having that included.

Barbara Ann Thay is hoping to see safety improvements for connections to walk and bike along King Road and into the borough

- 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.
- 2021 Summer Concert Series Friends of the Summer Stage 501(c)(3)]  
Tim Phelps updated the Board with the status update for the Friends of Summer Stage Concert series. The Park & Rec Board continue to move forward with this event. They are working with Point Entertainment, scouting for talent and availability for June 16, July 21, and August 18, 2021. They are also checking with the State to provide COVID social distancing and safety guidelines. They are looking for volunteers the day of the shows to help with parking and seating. Also looking into Locust Lane to provide adult beverages and looking into food trucks for snacks. Mr. Lambert updated the Board with a unanimous vote from the Supervisors to increase the budget by \$5000.

Mr. Orlow made a motion to approve an increase the summer concert series budget by \$5000. Ms. Drummond seconded the motion; the motion was approved 3-0.

- Fire & EMS (April 2021) Report - Loren Nafziger, Interim Chief Fire Official  
Loren Nafziger reported 131 Fire and EMS calls, 216 hours of service, 98 of those calls were East Whiteland Township, 20 Charlestown Township and remaining assisting neighboring townships. In person training continues while maintaining COVID precautions. Free Smoke Detector program continuing. Residents can visit the Firehouse Website if interested in obtaining smoke detectors. Kidde Fire Safety recalled approximately 220,000 TurSense smoke alarms and combination smoke/carbon monoxide alarms, all information on website.  
<https://www.eastwhitelandfire.org>
- Gunkle Mill Waterwheel Project – Mr. Barner updated the Board on the Waterwheel Project. The Waterwheel Project was approved in February and was not exceed \$53,000.. The next step is the wheel mill installation in mid-June.

## 2. Board Motions & Resolutions:

- Approve Conditional Job Offers (2) to Candidates for full time Police Officer  
Chief Yeager updated the Board at the executive meeting today and two conditional job offers were made to Kemba Daniels and Paige Warfel, both are current Police Officers in neighboring communities. They are expected to start in the next 2 weeks. Both scored high in the testing process and East Whiteland Township is looking forward to both starting.  
Ms. Drummond made a motion to accept and approve the condition job offer to Kemba Daniels and Paige Warfel. Mr. Orlow seconded the motion; the motion was approved 3-0.
- Ratify Conditional Job Offer to Candidate Mark Moses for Deputy Director of Codes. Mr. Brown announced that Mark Moses will be joining the East Whiteland Township Codes and Life Safety Division. Mark comes from a neighboring community and has over 25 years' experience in Zoning, Codes, Fire Marshal and Director of Codes Enforcement. Mark has every certification required and this is difficult to find. We are looking forward to Mark joining the team.  
Mr. Orlow made a motion to accept and ratify the conditional job offer to Mark Moses. Ms. Drummond seconded the motion; the motion was approved 3-0.
- Mr. Lambert added to the Board Motions, Tom Sullivan , who will be joining East Whiteland Township as a consultant 2 days a week, maximum 2 months not to exceed \$16,000. Tom comes to us with 20 years' experience with Montgomery County and will help and assist us with the hiring of Fire Command Commander.
- Approve Bacton Hill Park Project:
  - i. Timeline & Deadlines
  - ii. Design Approved – Site work 12/2020 and playground work 2/2021
  - iii. Site Work - Opinion of Probable Construction Costs - \$900,000 (Source: ARRO)
  - iv. Playground equipment - purchase & installation - Opinion of Probable Construction Costs - \$700,000 (Source: KOMPAN)

Mr. Brown gave background information on the park and how long it has been in the making, apparently the land was purchased 20 years ago, and the Township is now making strides toward the vision of an all-abilities park, something for everyone. The Township applied for two grants and

received both. One grant is for \$200,000 from DCNR and the other grant is from the County for \$100,000. The Board has authorized ARRO and the consultant team to proceed with construction drawings. The Board authorized site work to go out to bid. The Park & Recreation Board and staff have spent a lot of time working on this vision. The Board asked for the design to be scaled back a bit. Park & Recreation have made a recommendation to go forward. Darryl Becker from ARRO explained there was a delay due to COVID and permit issues. The update is that DEP and PDS permits are issued, and we are waiting for the County to approve connection of the trail. In 2-3 weeks, they should be able to submit plans and allow for bidding in July. Daryl mentioned if all goes as planned it will start in October 2021. The cost however, has increased and the estimate is an extra \$100,000.

<https://www.eastwhiteland.org/DocumentCenter/View/947/Bacton-Hill-Park-Master-Plan->

Mr. Orlow made a motion to accept and approve the Bacton Hill Park Project. Ms. Drummond seconded the motion; the motion was approved 3-0

### **3. Public Hearings:**

- Ordinance Repealing and Replacing Township Code, Article III Historical Commission - Ms. Stefkovic opened the hearing by introducing exhibits 1 through 4. This Ordinance applies to updating code language Article III, changes term to 4 years, changes members to 7 members, and added Social Media Policy to the Historical Commission. Comment from Barbara Ann Thav - she wanted to note the Social Media policy she felt is written for employees not for volunteer boards. Mr. McGrory said it is noted. Ms. Stefkovic closed the hearing and reconvened back to the Board meeting. This ordinance is now in position for your consideration.

Ms. Drummond made a motion to accept and approve the repealing and replacing of Township Code, Article III Historical Commission. Mr. Orlow seconded the motion; the motion was approved 3-0.

- Ordinance Repealing and Replacing Township Code, Article II Park and Recreation Board (SB & KS) - Ms. Stefkovic opened the hearing by introducing exhibits 1 thru 4. This Ordinance applies to updating Article II, clarifying duties of the Board, adding and removal of members, organization, and Social Media Policy.

Ms. Stefkovic closed the hearing and reconvened back to the Board meeting. This ordinance is now in position for your consideration.

Ms. Drummond made a motion to accept and approve the repealing and replacing of Township Code, Article II of Park and Recreation Board. Mr. Orlow seconded the motion; the motion was approved 3-0.

### **4. Planning & Development:**

- Discussion of Requested Rezoning of Knickerbocker tract (located between Mill Lane, Lapp Road, Old Morehall Road, Liberty Drive, and Swedesford Road).

Denise Yarnoff, attorney for the applicant gave a brief review, stating the application for rezoning had been submitted last august. Since that time the applicant has been working with the township.

Environmental information was requested by the township, there was suggestion made to remove any development from the driving range area, designated as area b. Approximately 1 quarter of the site will be developed whereas the remaining area will be undeveloped. Ms. Yarnoff is hopeful that the board will hold a hearing in either June or July for the rezoning.

Jason Dempsey, applicant explained the changes made since the last concept plan was submitted. Development area has been downsized and not much else has been changed. Mr. Dempsey went through the most recent plan and explained that area B was of environmental concern to the township. Mr. Dempsey stated that it is of the expert opinion of his environmental council that area B does not present issues of environmental concern. Currently and moving forward Mr. Dempsey will focus development on area A, which would mean about 75% of the site will remain undeveloped. Mr. Lambert asked how much units would be removed in order to leave area B undeveloped. About 80 units will be removed, however these units will be relocated to area A. The original proposal was 330 units, it was reduced to 280 units.

Access to Mill Lane was discussed; Mr. Dempsey does not intend to make Mill Lane a point of access but likely there will be emergency access to Mill Lane especially because at the base of Mill Lane is EMS and fire services. The lack of overflow parking was discussed by Mr. Dempsey and Mr. Lambert.

Mr. Orlow asked about a lower portion of area A being environmentally compromised, Mr. Dempsey said after research and discussions with his environmental attorney there is no concern for any portion of area A. Mr. Orlow suggested having 200 units not having age restricted and leave area B zoned O/BP for a future office use. Mr. Dempsey is willing to limit density and area of development but that is done at a compromise. Ms. Drummond commented on the large amount of open space being retained. Mr. Dempsey explained that the units depicted on the plan are of a generous size and will be further discussed during the land development process. Discussion ensued about the landfill and who would take ownership.

There was discussion that any roads built would be dedicated to the HOA. Mr. Orlow asked who would be building the homes, Mr. Dempsey is not able to make that decision until he knows what will be built.

The Board and Mr. McGrory discussed the timeline for a Public Hearing. The Board will have this item on its June agenda and decide then if they would like to advertise for a July hearing.

Questions and Comments submitted by the following:

- Cindy Gerson
- Stewart Gerson
- Martin Lutz
- Doug Atlas
- Kristin Thomas
- Lindsay Felch

Topic discussed included:

- Close setbacks
- Density
- Notification of discussion
- Possible covenant for important design aspects
- What would be included in covenant
- When would a covenant be drafted
- Availability of covenant to residents to review prior to any rezoning
- Opposition to homes being built
- Description of environmental issues
- Where on the property are the environmental concerns located?
- Access to site via Lapp Road being the only entrance.
- Stormwater management

- Consider Extension of Time to Render a Decision on the following [Development Applications](#):
  - i. SD-17-2020 for three lot subdivision at 31 Coffman (Renehan Building Group) – extension to August 31, 2021  
Ms. Drummond made a motion to accept and approve the extension of tie for SD-17-2020. Mr. Orlow seconded the motion; the motion was approved 3-0.
  - ii. LD-18-2020 for parking expansion at 333 Technology Drive (MLR Technology LLC and 1201 Technology Drive LLC) – extension to August 31, 2021
  - iii. LD-19-2020 for 20 Moores Road office building (Mountain Laurel Funding Company, LLC) – extension to September 30, 2021
  - iv. LD-01-2021 for parking expansion at 83 General Warren Boulevard (1303 Wrights Lane Associates LP) – extension to August 31, 2021  
Mr. Orlow made a motion to accept and approve the extension of time for LD-18-202, LD-19-2020 and LD-01-2021. Ms. Drummond seconded the motion; the was approved 3-0.

## 5. Zoning (TL):

- a) Consider Sending Township Solicitor to Zoning Hearing Board to Support or Oppose:  
ZBH 9-2021 – Application of Frank Boyle for a Variance from Sections 200-36., 200-30., 200-115.D.(3) to allow special events and beer garden as permitted by the PA. Liquor Control Board. The property is located at 6 Great Valley Parkway, Malvern, PA. and is written in the O/BP Office Business Park Zoning District.

Mr. Boyle said the hours of operation would be Tuesday & Wednesday (4pm-8pm), Thursday (4pm-9pm), Friday and Saturday (12-9pm), and Sunday (12-7pm) – starting in May and running through October.

Board agreed no need to send Solicitor.

## 6. Public Comment: General

Debbie Mobile stated that she will continue to monitor the Bishop Tube situation. She said the public outrage has done little to spur on the speed of the PA Department of Environmental Protection. Their pace has not changed over the past 20 years. Debbie is requesting that the Township give an update on what has been heard from the state. She also asked if is there a proposed date for the release of the recommendation report from the DEP? Is the township consultant up to speed with the necessary information that they are prepared to respond to DEP's recommendation report? Is there any news, rumor, or otherwise concerning the status of the Bishop Tube site? If we have any follow up questions, as citizens, should we contact Steve Brown or should we contact the supervisors directly?

Mr. Brown has not heard anything from DEP. He will be meeting later this month with the solicitor's office to discuss strategy on remediation. Any questions on this or concerns please go directly through Steve Brown, [sbrown@eastwhiteland.org](mailto:sbrown@eastwhiteland.org)

Barbara Ann Thav wanted to mention the Malvern Public Library will be opening June 1, 2021 with longer hours and in person visits.

Kristin Thomas asked for update on trail connections and in particular the Great Valley/Spring Mill Farms connection construction timing? Is there a township wide trail connection plan that can be shared with priority order and timing included?

Mr. Brown added that Chris Williams went over this at the beginning of his presentation tonight.

**7. Consent Agenda:**

- Approve Meeting Minutes from April 14, 2021
- Ratify Payment of Bills: \$676,127.33 (April 2021)
- Accept Treasurer's Report as of March 31, 2021
- Approve 2021 Funding Request (\$1,500) from People's Light (JN)
- Approve 2021 Funding Request (\$1,500) from Great Valley Community Organization (JN)
- Approve waiver for 9 Coffman Avenue from Section 306.K.(4) to allow a stone infiltration bed within 20 feet of a property line, due to conflicts with underground utilities. Mr. Locker briefed the Board and Mr. Becker from ARRO is recommending this.

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

**8. Meeting Adjournment: 10:00PM**

**Donna Wikert, Board Secretary**