

Board of Supervisors

October 11, 2023

The Board Meeting started at 5:30 at the East Whiteland Firehouse, 205 Conestoga Road

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

Staff Present: Steve Brown, Township Manager; Catherine Ricardo, Assistant Township Manager, Donna Wikert, Operations Manager, Township Secretary; Chris Yeager, Police Chief; Greg Lewis, Fire Chief; Bernadette Kearney, Township Solicitor

On Wednesday October 11, 2023, the Board of Supervisors of East Whiteland Township held a public meeting at the East Whiteland Fire Company prior to their regularly scheduled monthly meeting to present and act upon the following promotions within the police department. The Honorable Judge John Bailey from Magisterial District Court 15-4-03 performed the swearing-in of each member for their new ranks.

Mr. Orlow thanked all the Police Officers for their professionalism and for keeping the residents and day visitors safe. Mr. Orlow made a motion to Promote all as read. Mr. Fixler seconded the motion; the motion was passed unanimously.

- Detective Sergeant to the rank of Lieutenant; Patricia Doyle
- Patrol Officer to the rank of Patrol Sergeant; Thomas Ralph
- Patrol Officer to the rank of Patrol Sergeant; Joseph Woulfe
- Traffic Officer to the rank of Traffic Sergeant; David Marra
- Detective to rank of Detective Sergeant; William Logan

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

Staff Present: Steve Brown, Township Manager; Catherine Ricardo, Assistant Township Manager, Donna Wikert, Operations Manager, Township Secretary; Zach Barner, Director of Planning and Development; John Mateja, Zoning Enforcement Officer; Chris Yeager, Police Chief; Greg Lewis, Fire Chief; Bernadette Kearney, Township Solicitor

Mr. Lambert called the Zoom meeting to order at 6:45 P.M. Pledge of Allegiance

**Public Hearing: Moved to first on Agenda:**

Transfer of restaurant liquor license No. R-12656 into East Whiteland Township for use by the Giant Company, LLC

Full details of the hearing are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building. Ms. Kearney opened the Transfer of restaurant liquor license No. R-12656 into East Whiteland Township for use by the Giant Company, LLC. The hearing was continued till November 8, 2023. Ms. Kearney reconvened into the regular Board meeting to vote. Mr. Orlow made a motion to approve the continuance. Mr. Fixler seconded the motion; the motion was passed unanimously.

Amendment to Chapter 36, Salaries and Compensation for Board of Supervisors to permit election by a Board member and dependents to enroll in township health insurance plan.

Full details of the hearing are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building. Ms. Kearny opened the hearing. Ms. Kearney reconvened into the regular Board meeting to vote.

Mr. Orlow made a motion to approve, Mr. Fixler seconded the motion; the motion was passed unanimously.

### **Board Briefings:**

Executive Session(s) were held on September 28, 2023, at 10:00am and October 11, 2023, at 4:30 (legal, personnel and real estate)

Grant Application Updates - Ms. Ricardo was pleased to announce the Township was awarded **\$200k** for Bacton Hill Park through CCP/DCNR for Phase II improvements to BHP. These additions included landscaping, playground facilities and walking trail improvements.

Open House at Gunkle Mill – October 7<sup>th</sup> 11am – 3pm – Ms. Ricardo mentioned this was a successful event.

Trunk or Treat – October 28<sup>th</sup> 2pm-4pm (Rain Date October 29<sup>th</sup> 4pm – Ms. Ricardo announced we are hosting this event, and we are still looking for trunks.

ARPA Grants Presentations – Mr. Brown gave a brief background, The American Resue Plan Act, (ARPA) The Federal Government provided billions of dollars to help the economy recover and to help those who suffered from the economy negative impact from Covid pandemic on the economy. East Whiteland Township received approximately \$1.36 million dollars, some of which was already used, and the Township Board and Staff felt very strongly that some of this be used into the Community. We felt it was important to get it to the agency working with the community.

**Home of the Sparrow:** Based in East Whiteland Township, Home of the Sparrow is the only Chester County organization dedicated solely to assisting single women and single mothers who are experiencing housing insecurity by preventing homelessness through a combination of financial assistance and case management. The Township is awarding \$50,000 to help sustain service activities and expand services to additional clients through direct rental payments for eviction prevention, education for financial literacy skills, and creating long-term strategies for housing stability.

**Kathryn D. Markley Elementary School PTO:** The Great Valley Outdoor Classroom Pavilion project submitted by the KD Markley PTO seeks funding to help with the construction of the Outdoor Classroom Pavilion on the site of Kathryn D. Markley Elementary School. Due to the construction of the new Great Valley School District 5/6 Center, a previous outdoor pavilion behind the former GV District Offices was demolished. That pavilion is an essential outdoor classroom space to supplement the in-classroom learning experience and engage kids in physical fitness. The Township is awarding \$10,000 to help fund this initiative.

**Malvern Public Library:** Malvern Public Library sought funding to provide additional reading support services to the community via purchase of digital resources for the Children's Collection. The program focuses on the Reading While Listening method, which encourages reading independence for readers who may not have support at home. The Township is awarding \$15,400 to help fund this project.

**CogWell:** CogWell is a nonprofit organization which helps colleges teach students active listening skills and peer support techniques. The program aims to create environments that support positive mental health and reduce the

stigma surrounding mental health challenges. CogWell's "Listen Up" program facilitates peer helper networks on campus and has a large chapter established at Immaculata University. They will use grant funds to expand the existing program at Immaculata University allowing more students to access the services, increase the number of workshops, increase chapter participation, and expand community participation. The Township is awarding \$25,000 to help fund this program.

**A Child's Light:** A Child's Light is a Chester County based nonprofit organization that provides expedited access to trauma-informed mental health treatment for children ages 2-18 recovering from severe abuse and trauma. Program participants receive private mental health support from a therapist in the organization's network at no cost. A Child's Light collaborates with law enforcement, school districts, and numerous social service nonprofit agencies in the region to receive referrals and address the needs of the community. A Child's Light is being awarded \$50,000 to help increase the number of children that receive services through the organization.

**People's Pantry:** People's Pantry has experienced a steady increase in food pantry clients, now at 150% of pre-pandemic levels, impacting their ability to store food and efficiently distribute it to families in need. People's Pantry sought funding to help with construction of a larger space to purchase, collect and store larger quantities, and provide a more comfortable environment for their clients and volunteers. The Township is awarding \$90,000 for the food pantry expansion.

Eagle Scout Presentation – Jay Tyson

[https://www.eastwhiteland.org/DocumentCenter/View/3428/2f\\_Jay-Tyson\\_BCPI-Eagle-Project-Presentation](https://www.eastwhiteland.org/DocumentCenter/View/3428/2f_Jay-Tyson_BCPI-Eagle-Project-Presentation)

Jay Tyson asked the Board for their approval of this Eagle Project. There was discussion on maybe chaining the benches so that they do not disappear. Mr. Neild said yes, they can attach these to the ground by chain or spike.

Mr. Fixler offered his service if they need extra advice and help.

Mr. Orlow made a motion to approve. Mr. Fixler seconded the motion; and the motion was passed unanimously.

Eagle Scout Presentation – Anish Narr

[https://www.eastwhiteland.org/DocumentCenter/View/3429/2g\\_Anish\\_Valley-Creek-Park-Trail-Eagle-Project](https://www.eastwhiteland.org/DocumentCenter/View/3429/2g_Anish_Valley-Creek-Park-Trail-Eagle-Project)

Anish Narr asked the Board for their approval of this Eagle Project. Mr. Fixler asked what you are going to do with all the debris. Mr. Neild said they will pick everything up and dispose of its property. Mr. Fixler said he loved both of these projects.

Mr. Fixer made a motion to approve. Mr. Orow seconded the motion; and the motion was passed unanimously.

Township Seal and Signage Update – Mr. Lambert gave a bit of background and said the signage in the Township has become outdated and falling apart. We would like to have new signage in a few locations. Also looking for Welcoming Signs entering into the Township. Ms. Ricardo presented several designs of a new Township Seal asking the Board for input. The Board discussed color schemes and a new seal. The Board really liked the Blues and Greens and two of the three seals presented. This is just to gather feedback. The public liked some of the features in the seal. There were mixed reviews on the agricultural design, they love the Mill but not the cannon. Maybe suggestion of maybe adding creeks, trails, or something we have currently in the Township.

Mr. Brown announced the Public 2024 Budget meetings on Monday October 16 and October 23 1:30 to 4:30.

Mr. Lambert updated the Billboard on 202 has a new ownership they submitted an M700 to PennDOT to further cut down trees. We have received copies from thirty-two residents of the emails they sent to PennDOT opposing the takedown of trees.

**Board Motions & Resolutions:**

Approve Park and Recreation Board Appointment of Brett Turk for the term of 2 years (12/31/25)

Mr. Fixler made a motion to accept Brett Turk for a two-year term to the Park & Recreation. Mr. Orlow seconded the motion; and the motion was passed unanimously.

**Motion to Award:**

Approve 2023-2024 Diesel and Oil fuel bid Rhoads Energy Inc. Heating Oil \$3.501 per gallon/ Diesel Fuel \$3.585 per gallon.

Mr. Orlow made a motion to approve and accept the bid from Rhoads Energy. Mr. Fixler seconded the motion; the motion was passed unanimously.

**Motion to Advertise:**

Approve the sale of 3 Sierra Wireless Modems and 3 Windows Motion Tablets

Mr. Fixler made a motion to approve, Mr. Orlow seconded the motion; the motion was passed unanimously.

Approve Hearing Advertisement to Ordinance #333-2021 and #334-2021 to include “H” All Volunteer members shall submit to background checks.

After much discussion and concern on how deep of a background check will be done and will this disqualify people from volunteering. Great points brought up by Ms. Mobile and McKenzie Walsh Pierson. Mr. Brown said public input is important and in order to be clear and have a complete understanding change we will define the scope and table the Hearing advertisement to a later date.

Approval to advertise a 1997 Case 580 Super L Backhoe on Municibid

Mr. Fixler made a motion to approve, Mr. Orlow seconded the motion; the motion was passed unanimously.

Approval to advertise for the Rt 401 Traffic Signal Grant Project. The work consists of upgrades to the signals from Phoenixville Pike to Mill Lane to improve traffic flow.

Mr. Orlow made a motion to approve, Mr. Fixler seconded the motion; the motion was passed unanimously.

Approval to Advertise for the Rt. 29 Green Light Go Grant Project. The work consists of the installation of performance measuring equipment at 5 intersections on Rt. 29 to gather information to enable the traffic signals to operate more efficiently.

Ms. Stauffer asked how we get a “Right Hand Turning Lane from Route 30 to Old Lincoln to the Village. It was discussed and Mr. Lambert asked Ms. Stauffer to send an email to Zach Barner and or Ms. Ricardo and they

would discuss this at the next traffic committee meeting. She also mentioned that on Old Lincoln and Warren Ave. there are trees that need to be cut back you cannot see the stop sign.

Mr. Fixler made a motion to approve, Mr. Orlow seconded the motion; the motion was passed unanimously.

### **Planning & Development:**

Consider Authorizing Staff and Township Solicitor to Draft Resolution for the Following Development Applications:

MP-03-2023 for Master Plan of Great Valley Corporate Center Redevelopment (Philadelphia Suburban Development Corporation)

Mr. Calagrecó explained the two phases the Applicant has submitted a Master Plan Application to redevelop this portion of the Corporate Center in two separate phases of development:

- Phase 1 is proposed to include 270 apartment units with structured parking (in one building to the south of the Lapp Road Extension) and 130 senior adult housing units with surface parking (in two buildings to the north of Lapp Road). The apartments will include a range of studio, one bedroom, two bedroom, and three bedroom units.
- Phase 2 is proposed to include a 304,000 s.f. research & development facility with structured parking and retail uses along Great Valley Parkway. The applicant is actively marketing this portion of the project but does not have a signed agreement in place. This phase has been referred to as a “placeholder” in acknowledgement that the actual building and occupant may change based on market conditions and the needs of the end user.

Eric Ostimchuk from Traffic Planning and Design, traffic engineer for the applicant, provided an overview of the proposed traffic improvements associated with each phase of the project – including new road connections, travel lanes, turn lanes, traffic signals, and pedestrian improvements.

Lou Colagrecó, attorney for the applicant, explained that this tract of land, and the corresponding traffic improvements in this portion of the Township, has been a focus of planning for many years. The current plan is greatly reduced in scope as compared to plans that were previously reviewed and approved. Phase one includes age-restricted units, which is not a requirement of the code. The buildings shown in phase two may be subject to change based on the current market conditions.

Discussion ensued regarding the proposed pedestrian crossing of Route 29 at the proposed intersection improvements at Valley Creek Park. Concerns were raised by residents over potential safety issues for a crossing in this location. Mr. Barner advised that additional details regarding the crossing (and the full suite of traffic improvements) will be refined during the land development review and PennDOT permitting processes.

Mr. Orlow made a motion, seconded by Mr. Fixler, to authorize Staff and Solicitor to draft an approval resolution for consideration at the November meeting.

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

LD-05-2023 for Greystar Apartments (Greystar Development) also known as Phase 1 of Great Valley Corporate Center Redevelopment to January 30, 2024.

Mr. Orlow asked if they had seen any review letters. Mr. Barner said yes, but they have not been before the Board yet. Mr. Orlow asked if they had applied for their HOP permit yet and Mr. Barner said not yet.

Mr. Fixler made a motion to approve the extension of time for LD-05-2023. Mr. Orlow seconded the motion; the motion was passed unanimously.

### **Zoning & Code Enforcement:** Code and Property Maintenance Enforcement Update

ZHB-2023-06 - The applicant of Eske Development LLC, as to certain property located at 70 Three Tun Road, aka UPI 42-4-297.3. The application is for a special exception to the terms of Section 200 – 43 I Industrial District, Subsection B Permitted Uses, to allow the proposed use of “sales, service, maintenance, charging, repair and storage of new and pre-owned vehicles, parts and accessories” wherein the Code permits said uses as a Special Exception

No need to send a solicitor.

Mr. Mateja mentioned that in July the staff sent a development wide notice to Bryn Erin Development after receiving many complaints on property maintenance violations. In September we patrolled the development and issued seventy warnings including sidewalks, weeds, trash, and inoperable motor vehicle issues. We have had a tremendous positive response. We have had immediate compliance and many residents contacted us for extensions to complete the compliance. We will continue to work with the residents to achieve voluntary compliance. Mr. Fixler mentioned that sidewalk repairs can be expensive so if they need time, they should reach out to John Mateja. Mr. Lambert added, Chief Yeager Police present has been increased in the development also due to a few issues reported to us.

John Glossal and Steve Miller, residents of Brin Erin said the citations of the vehicles is not being equally enforced. They asked what will happen come winter if they continue to park in the Township field will the Township plow the alley now since it is not considered their property. Will the Township equally enforce this ordinance throughout Brin Erin. There are multiple people using chimeneas throughout the development, but the center field is not allowed, they are allowed to have sheds and food trailers on their side. Brin Erin does not have a HOA, Mr. Mateja explained the letter that was sent to all residents in Brin Erin was given a standard 14-day compliance and if you need more time you needed to call and make arraignments. Mr. Mateja said the code calls that vehicles must be operatable to be kept on any property that is the Township ordinance.

Mr. Lambert said we need to do some research and review procedures we need consistently throughout. We are listening to what you are saying. Mr. Miller also resident of Brin Erin stood up and echoed what Mr. Glossal said and showed the Board a few pictures of a neighbors front and back yard. Mr. Lambert explained there are a number of issues that need to be addressed. We need to figure out the best way to address all these concerns. Ms. Wikert took down the names and addresses of the residents so that staff could reach out and set up a sit with them to see what can be done.

### **Public Comment:**

Debra Mobile asked a few questions. Are we still planning to have a follow-up meeting? Has a date been set up yet? Mr. Brown said we have not followed up; he was to the understanding that Maya vanRossum indicated there was no need to rush and have a Township meeting, so the answer is no, but he is working on a date. Ms. Mobile said she thinks there was a miscommunication about that. Her concern is that we do need a meeting with the consultants and staff and see what their thinking is on this topic, maybe a more candid discussion on this. We need more of an explanation of what is going to be done, we have a lot of concerns. Is December 13, 2023, a date you need to decide if you are approving the plan. December 26<sup>th</sup>, 2023, is the date Mr. Barner said we have not received a re submission from the first round of reviews. Mr. Barner said we will likely pursue another extension. Ms. Mobile said just say no! Ms. Stauffer has the same concerns. Mr. Orlow clarified, he said they feel the Township has the right and is in a position to deny the final development plan and face the consequences because

there will be an appeal. There are a number of protective conditions that are attached to the earlier Zoning and preliminary approvals, and I do not know if this is a risk if denied on appeal if these conditions will remain. To me that is the biggest risk, it would be a disaster! Then you have no protection. The seventeen conditions would go out the door. Isn't the goal to get it cleaned up? Deb said yes, it is please get back to me.

Martin Lutz asked to revisit what was going on with the Lapp Road section that was closed. That section was to be gated and covered with dirt, overtime that section is overgrown. There are a number of developments going on in that area, this should be an emergency access toad, what is the status. Mr. Neild said that there are plans to clean that up and make it assessable, but he is not sure it would be an emergency access road.

Barbara Arnold and Carol Rapp both wanted to reiterate that they are interested in the follow up Township meeting. Mr. Lambert said the only issue is that there are no definitive directions, plans from DEP to really talk about this. Mr. Orlow said it is as definite as it is going to be. Mr. Brown said it is going to be imperfect information. Mr. Orlow said the ongoing tug of war is going to be to denying of the plan. It is hard to talk about plans without knowing more of the details. Ms. Mobile said then maybe we need to discuss is an ongoing system of communication. Mr. Orlow said no question there will be a meeting with our experts. Carol Rapp said we just want to make sure that we get the communication sent to us.

### **Consent Agenda:**

Approve Meeting Minutes from September 13, 2023

Ratify Payment of Bills: \$1,783,570.01 (September 2023)

Accept Treasurer's Report as of August 31, 2023

Approve BSTI additional costs for services related to the Bishop Tube property \$15,000

Accept Revised Proposal from McMahon, a Bowman Company for Patriots Path Sidewalk Extension Project to authorize additional underground utility exploration by SoftDig/Underground Services, Inc. in the amount \$3,400 for a total not to exceed \$216,190.

Mr. Orlow made a motion to approve Consent as Read by Chair, Mr. Fixler seconded the motion; the motion was passed unanimously.

### **Adjournment 9:50pm**

**Donna Wikert, Board Secretary**