

East Whiteland Township
Board of Supervisors Meeting
May 8, 2019
Minutes

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

Staff in Attendance: John Nagel, Township Manager; William Steele, Public Works Director; Cathy Kleponis, Finance Director; Steve Brown, Zoning Officer; Zach Barner, Director of Planning; Donna Wikert, Asst. to the Township Manager; Joseph McGrory, Solicitor; Chris Yeager, Chief of Police.

Ms. Drummond opened the meeting at 7:00 p.m. with the Pledge of Allegiance.

Board Briefings:

- a) Joint Community Meeting with East Goshen Township regarding traffic Issues at Route 352 and King Road is set for Wednesday June 5, 2019 at 7:00 p.m. at Immaculata University A resident suggested extending an invitation to Senator Dinniman and State Representative Howard. Ms. Drummond agree to invite them.
- b) In October 2018, Governor Wolf signed Act 79 into law which made significant changes to the protection from abuse order requirements. Act 79 took effect on April 10, 2019. Under this Act, firearms, ammunition, and other weapons must be relinquished within 24 hours of the issuance of a final protection order or the service of a temporary protection order, unless special circumstances exist. Firearms, ammunition and other weapons can now be relinquished to any law enforcement agency (including at the East Whiteland Township police), sheriff's office, federal firearms licensed dealers or a licensed commercial armory, and certain third parties. Chief Yeager will be establishing measures to safely accept these items.
- c) PECO - Underground & Meter Work (Indoor & Outdoor) will be performed in the Township over the next several weeks on a total of 121 residential properties: Birch Road, Buck Run Lane, Carol Lane, Conestoga Road, Deer Run Lane, Doe Lane, Fairview Drive, Kevin Way, Lancaster Avenue, Locust Drive, Madeline Drive, Manor View Circle, Pine Road, Queen Ann Lane, Summit Road and Swedesford Road. PECO will be directly contacting individual homeowners.
- d) Proclamation: 9th Annual Bike to Work Challenge on Friday, May 17th, from 7:30 a.m. to 9:00 a.m. Meet Up Locations: Exton Park Trailhead, 140 Church Farm Lane, Exton **or** Westlakes Trailhead, 1000 Westlakes Drive, Berwyn. Register now at www.tmac.com.

- e) Seasonal Maintenance Worker needed. Great job for seasonal employment. Season is from June through August, 40 hours per week. Duties include parks and roads maintenance. Submit application to East Whiteland Township, Attn. HR
- f) A Joint Meeting of the Planning Commission and Parks & Recreation Board will be held on May 15th at 7:00p.m. to discuss the draft Official Map and draft Ordinance Amendments related to Bicycle & Pedestrian Amenities.

Board Motions & Resolutions:

Consider Motion to Award: Traffic Signal (Preventive) Maintenance Contract with Signal Service Inc. Mr. Nagel said it has been approximately 7 or 8 years since East Whiteland has bid out this contract. The Township received three bids and have decided to go with Signal Service. \$6,225. Mr. Orlow made a motion to award the preventive maintenance contract to Signal Service. Mr. Lambert seconded the motion; the motion was approved 3-0.

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

ZHB 2019-8 – to hear the appeal of Bacton Hill Partners, LLC for special exceptions (per §200-41 and §200-93.2.E) and variance (from §200-42) to allow a contractor office and fueling station at 32 Bacton Hill Road.

ZHB 2019-9 – to hear the appeal of Brandon and Christine Regn for a variance from the side yard setback for an addition and the accessory setback for a shed at 12 Buttonwood Avenue.

No need to send the Solicitor to the Zoning Hearing Board for either appeal.

Consider Resolution 32-2019 adopting the Special Study for Valley Creek Trunk Sewer (VCTS) System as an amendment to the Township's Official Act 537 Sewage Facilities Plan to reflect the AQUA as the new owner of the VCTS System. Mr. Lambert made a motion to approve. Mr. Orlow seconded the motion, the motion was approved 3-0.

Battle of the Clouds – Consider the recommendation of the Park and Recreation Board to construct a gaga ball pit in the park. The cost would be in the range of \$5000 to \$6000.

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

Sidley/Mill Road Chester Valley Trail connector – Consider the adoption of a resolution to commit \$213,000 to seek a Greenway, Trails, and Recreation Program (GTRP) grant in the amount of \$250,000 from the DCED for the survey & engineering for proposed phases 1 & 2 of

the trail project. Mr. Lambert made a motion to adopt this resolution. Mr. Orlow seconded the motion; the motion was approved 3-0.

Public Hearings:

[2019-05-CU](#) for Rock Gym at 57 Lancaster – Conditional Use application to permit a “for-profit recreation” use where office and warehouse uses currently exist.

Mr. Walko, East Whiteland Townships solicitor closed the public meeting and opened Public Hearing.

Full details of the hearing are contained with the transcript prepared by a court reporter.

Mr. Walko closed the hearing and stated the Board will wait to propose findings of fact and conclusions of laws. A decision will issued within 45 days, in accordance with statutory requirements.

[2019-07-CU](#) for Frame Avenue Apartment – Conditional Use application to convert and expand two existing office buildings into twelve to fifteen multifamily residential dwelling units.

Mr. Walko, East Whiteland Townships solicitor closed the public meeting and opened Public Hearing.

Full details of the hearing are contained with the transcript prepared by a court reporter.

The Board continued this hearing until the June 12, 2019 Supervisors meeting.

Mr. Walko, East Whiteland Townships solicitor closed the public meeting and opened Public Hearing

Consider repeal of Township Ordinance #307 (regarding §200-29 of the Zoning Ordinance) which provided for building standards and requirements for retail businesses selling firearms.

Deb Mobile voiced concern about the Township allowing the retail sales of guns. She is concerned about the safely of their children and do not want what happened back in January to happen again. We want better protection for our township and our children. Chief Yeager explained there is not much the State can do either, they can make sure the guns are secure and out of site after hours of operation, but by law we cannot prevent the sale of guns in the

township. It is a weak State law but has a lot of constitution issues. Ms. Drummond asked everyone concerned please take this to Harrisburg, the Township cannot prevent the sale of guns in the township.

Mr. Walko closed the hearing and reopened the public meeting for voting.

Mr. Orlow made a motion to approve the repeal of Township Ordinance #307. Mr. Lambert seconded the motion; the motion was approved 3-0.

Mr. Walko, East Whiteland Townships solicitor closed the public meeting and opened Public Hearing.

Ordinance for Deferred Retirement Option Plan for the Firefighter and Emergency Medical Technicians – Ordinance #309.

Ms. Kleponis explained this is a 4 year drop effective October 1, 2018. This was part of an agreement with the firefighter's union. Mr. Walko closed the hearing reopened the public meeting for voting.

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

Planning & Development:

Consider the Request for Waiver of Land Development:

Application of [Haypak](#) at 27-43 Great Valley Parkway to allow the installation of a trailer in the parking lot to the rear of the building. Mr. Orlow made a motion to approve the application and waive the land development. Mr. Lambert seconded the motion; the motion was approved 3-0.

Consider Authorizing Solicitor to Draft Resolutions for the following Subdivision & Land Development Applications:

[2018-10-SD](#) for “HP Flanagan / Bacton Way” – Preliminary Subdivision

Vic Kelly, engineer for the Applicant, provided an overview of the proposal, which was recommended for Preliminary Approval by the Planning Commission in April. Many of the outstanding review comments have been addressed. The Applicant is requesting that the Board consider moving forward with Preliminary approval, subject to satisfying outstanding comments (including those related to tree removal and replacement) during Final plan review.

Mr. Orlow made a motion to authorize the Solicitor to draft a resolution. Mr. Lambert seconded; the motion was approved 3-0.

[2019-09-SD](#) for “400 Three Tun Road” – Preliminary / Final Subdivision

Charlie Gerbron, attorney for the Applicant, provided an update on the project. This Application is associated with a Conditional Use application for disturbance of steep slopes and will require land development approval. The Applicant received a clean review letter from ARRO regarding the subdivision plan. Township Staff and the Planning Commission have requested that a proposed right of way and offer of dedication be added to the plans. The Applicant has added revised the plans accordingly.

Mr. Lambert made a motion to authorize the Solicitor to draft a resolution. Mr. Orlow seconded; the motion was approved 3-0.

Consider Approval of the following Subdivision & Land Development Applications:

[2019-01-SD](#) for “Frame Avenue Twin”– Preliminary / Final Subdivision

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

[2019-06-SD](#) for “Swedesford / South Bacton Hill Road” – Preliminary / Final Subdivision

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

[2019-08-SD](#) for “891 King Road” – Preliminary / Final Subdivision (may draft in advance)

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

Consider Motion to Advertise [Ordinance Amendments](#) :

- New Definitions of Brewpub and Brewery, add Brewpub (not Brewery) as a permitted use in the FC District:
Mr. Barner provided a brief overview of the proposed amendment.
Mr. Orlow made a motion to authorize advertisement. Mr. Lambert seconded the motion; the motion was approved 3-0.
- New Definition Medical Office and Medical Related Uses, add as a permitted use in the FC District
Mr. Barner provided a brief overview of the proposed amendment.
Mr. Lambert made a motion to authorize advertisement. Mr. Orlow seconded the motion. The motion was approved 3-0.
- Updated Definition of Assisted Living Facility, add as a permitted use in the FC District:
Mr. Barner provided a brief overview of the proposed amendment.

Mr. Orlow made a motion to authorize advertisement. Mr. Lambert seconded the motion; the motion was approved 3-0.

- Updated Definition of Family, Group Home, and Housekeeping Unit:
Mr. Brown provided a brief overview of the proposed amendment.
Mr. Lambert made a motion to authorize advertisement. Mr. Orlow seconded the motion.
The motion was approved 3-0.
- Height of Signs in the FC (Frontage Commercial) District:
Mr. Brown provided a brief overview of the proposed amendment.
Mr. Orlow made a motion to authorize advertisement. Mr. Lambert seconded the motion;
the motion was approved 3-0.
- New Definition of In-Law Suite with Corresponding Guidelines:
Mr. Brown provided a brief overview of the proposed amendment.
Mr. Lambert made a motion to authorize advertisement. Mr. Orlow seconded the motion;
the motion was approved 3-0.
- Accessory Uses with Corresponding Guidelines in Residential Districts:
Mr. Brown provided a brief overview of the proposed amendment.
Mr. Orlow made a motion to authorize advertisement. Mr. Lambert seconded the motion;
the motion was approved 3-0.
- Footnote Clarification related to Drive-In Facilities in Mixed Use Districts:
Mr. Brown provided a brief overview of the proposed amendment.
Mr. Lambert made a motion to authorize advertisement. Mr. Orlow seconded the motion;
the motion was approved 3-0.
- Expiration of Zoning Hearing Board Decisions
Mr. Brown provided a brief overview of the proposed amendment.
Mr. Orlow made a motion to authorize advertisement. Mr. Lambert seconded the motion;
the motion was approved 3-0.

Consent Agenda:

Approve Meeting Minutes from April 4th and April 10th.

Ms. Drummond made a motion to remove the April minutes from the consent agenda and defer approval until the following month. Mr. Lambert seconded the motion; the motion was approved 3-0.

Acceptance of the Treasurer's Report: As of March 31, 2019.

Ratify Payment of Bills: \$1,233,108.79 (March 2019) and \$850,116.61 (April 2019).

Approve 2019 Contribution (\$6,000) to Malvern Fire Company.

Approve Letter of Support for West Whiteland Township for a new Municipal Service Facility.

Friends of Summer Stage – Consider request to waive “no alcohol” policy for four concerts in Valley Creek Park.

Locust Lane Brewery – Consider entering into indemnification agreement to allow beer garden at four Friends of Summer Stage concerts in Valley Creek Park.

Spruce Road monitoring well – Consider agreement to allow installation of a monitoring well in the right-of-way of the Spruce Road cul-de-sac at the request of the EPA to monitor the extent of ground water contamination from the Malvern TCE Superfund site.

Approve Police Computer & Windows Upgrade Project Proposal from All Covered for a Cost Not to Exceed \$24,934.

Approve Civilian Computer Project Proposal from All Covered for a Cost Not to Exceed \$9,985.

Approve Memorandum of Understanding with Chief of Police.

Approve Memorandum of Understanding with Police Lieutenant.

Approve Reimbursement of Expenses for PSATS Conference.

Approve Professional Services Agreement with Keystone Municipal for Building Inspection Services.

Approve Professional Services Agreement with Flagger Force for Traffic Management Services.

Amendment to Non-Union Employee Defined Contribution Plan (for Employee hired after January 1, 2017).

Mr. Lambert a motion to approve the consent as read (excluding the April minutes). Mr. Orlow seconded the motion, the motion was approved 3-0.

Announcements:

Executive Session(s) were held on May 1st at 3:00pm (to discuss personnel matters) and May 8th (to discuss personnel and legal matters)

Public Comment for items not listed on the Agenda:

Carla Zambelli Mudry asked if the Public Comment section can be moved to the beginning of the agenda. It makes it easier for some especially with babysitting issues or health issues, by getting out and attending, you can have your comment and leave before the end which can be very late.

Tim Caban asked why public comment has been changed. Ms. Drummond said largely because we have a lot of official business that we are required to do. It is a time management issue. When you open public comment at the beginning of a meeting you don't know if it will take 5 minutes or 2 hours. We have to get through a lot in a short period of time.

Mr. Caban asked if the third option for the intersection of 352 and King Road will be included at the June 5th meeting. The Supervisors said it would.

Meeting Adjournment – 11:30 p.m.

Respectfully Submitted,

Donna Wikert
Board Secretary