

**Board of Supervisors
Virtual Meeting Minutes**

September 9, 2020

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

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

Mr. Lambert called the regular meeting to order at 7:15 P.M. Pledge of Allegiance

Board Briefings:

Executive Session(s) were held on August 20th at 10am (real estate) and September 9th at 4:30pm (legal, personnel and real estate).

Bulk Trash Pickup – Wednesday October 7th through Friday October 9th; Drop off Saturday 7am to 2pm).

Bacton Hill Park Phase I Briefing - Mr. Lambert summarized the progress. There have been three concept plans in the making for the past two to three years. There have been public surveys, master plans, grant applications, permits, cost estimates, and construction drawing preparation. Detailed design planning has been ongoing and because of Covid-19, we have had a few setbacks with permit issues, but we are not too far off the goal. The Public, Park & Recreation Committee, Malvern Mom's club, and Staff have been working diligently to make this happen. Our goal is to break ground March or April 2021.

Board Motions & Resolutions:

Motion to Advertise:

Zoning Map Amendment for "Knickerbocker Tract"-- from O/BP and R-1 to RMH

Mr. McGrory said we received a petition from the equable owner of the Knickerbocker Tract, requesting to be changed to a different zoning district that would allow the development he is proposing.

Jason Dempsey gave a brief outline of his proposal to the Board on what he is planning for Knickerbocker Tract. He is proposing a Residential Community, focusing on 55 years and older, consisting of 284 homes. It is currently zoned O/BP (Office/Business Park) and R-1 (Low-Density Residential) to RMH (Medium-High-Density Residential). Mill Lane would be emergency only access. The applicant has requested that the Township consider a zoning map amendment to rezone this tract to RMH Medium-High Density Residential.

Public Comment:

Doug Atlas, resident of East Whiteland, commented on the amount of development which has accelerated in the past few years. The schools and infrastructure are at their limits. Allowing another large development in the Knickerbocker Tract is going to harm our quality of life. The land is not even zoned residential! And I am offended that the developer is not even going through the usual channels of going through the Zoning Committee. Mr. Barner said the plan was already on the Website. Ms. Drummond said the proposal still had to go through extensive land development before Planning and Commission.

Marshall Hoffritz, resident of East Whiteland, commented on this being the first-time hearing about the 55 and older community, and that potentially 50% of the land undeveloped. Is it possible to request a change in Zoning to the planned undeveloped parcels to be viewed as "Open Space"?

He did, however, want to mention he supports the homes moved away from Oak Glen Drive, residential areas for 55+ communities, and using Mill Lane only as an emergency access road

Barbara Ann Thav commented that Mr. Dempsey's proposal for 55 and over communities would need to have single floor living, if approved. She was also disappointed to hear that some of the supervisors do not support aging residents continuing to live in our community because of the potential for less tax collection and other reasons indicated. Barbara Ann wanted to know where does our Environmental Board stand with being able to build housing on a former dump? Resident access to the trails, including the parking lot mentioned, in Mr. Dempsey's proposal needs to be in writing in the documents so there are no future issues. Future owners will not be happy about this especially if they are paying HOA fees to live there. Willingness to limit the development to rezone would also need to be put in writing. Please protect the open space.

Mr. McGrory explained that if they choose to vote tonight, they are only voting on advertising the Ordinance to be considered for October's meeting.

Ms. Drummond made a motion to approve advertisement for Zoning Map Amendment for "Knickerbocker Tract"— from O/BP and R-1 to RMH. Mr. Orlow seconded the motion; the motion was approved 3-0.

Zoning Ordinance Amendment for Revised Definition of "Medical Clinic":

Mr. Barner gave a brief overview: last year we updated several ordinances and definitions, and this is an amendment. Patients may be permitted to stay at the facility for an additional period of seventy-two hours for physical rehabilitation, therapy, and recovery directly associated with the surgery.

Mr. Orlow made a motion to advertise the zoning ordinance amendment. Ms. Drummond seconded the motion; the motion was approved 3-0.

Gunkle Mill Waterwheel Project – Construction of Concrete Retaining Wall around the Wheel Pit and Construction of a Concrete Pier to Support the Wheel Axle. Ms. Drummond made a motion to advertise Gunkle Mill for bids to complete project. Mr. Orlow seconded the motion; the motion was approved 3-0.

Minor Act 537 update: revision to Sewage Facilities Planning Module for the decommissioning of the Malvern Hunt Wastewater Treatment Plant.

Mr. Neild said the Module presentation will be posted on the website and available for viewing at the Township building. After a 30-day comment period, and after questions are answered, it will be submitted to the DEP.

Mr. Orlow made a motion to advertise for the decommissioning of the Malvern Hunt Wastewater Treatment Plant. Ms. Drummond seconded the motion; the motion was approved 3-0.

Confirm Term of Mark Keilbaugh to the Historical Commission (ends January 2025)

Ms. Drummond made a motion to set the term from now thru January 2025. Mr. Orlow seconded the motion; the motion was approved 3-0.

Mr. McGrory asked the chair if the Board was ready to discuss any ordinance changes with some of the volunteer committees. Mr. Orlow answered not yet. There have been discussions on trying to make the terms and size of commissions consistent, but he still needs to work on that. Ms. Drummond and Mr. Orlow will work on that for the October meeting.

Ratify Conditional Job Offer to Part Time Firefighter & Emergency Medical Technician (Replacement)

Mr. Nagel explained that Ashley Marchetti has filled this position and already started.

Mr. Orlow made a motion to ratify the job offer to Ashley Marchetti. Ms. Drummond seconded the motion; the motion was approved 3-0.

Approve Canvassing Solicitation Ban for 90 days:

Mr. Chipman representing Whitetail, gave a brief update on his position asking the Board to reconsider and allow them to get back to soliciting for business. He wanted to be clear that they have been, and will continue to be, compliant with the CDC and the Township guidelines regarding COVID19. Mr. Lambert asked how many college students have been hired. Mr. Chipman advised 10 in East Whiteland Township. Mr. McGrory asked

are their employees tested for COVID., Mr. Chipman said they do temperature checks every morning, but if the township wants them tested daily, they would be willing to comply. Ms. Drummond said she does not have an issue with soliciting. Mr. Chipman said WhiteTail's policy is to ring the bell and stand back 10 ft. He assured the Board that if someone was not wearing a mask or acted rudely, they would be terminated. He said he would supply the Township with a map of where they are soliciting. Chief Yeager has no real problem with this; the police were just responding to complaints. They supply background checks on all sales reps to the Police. Mr. Chipman said they are from out of state, but they use Whitetail as an address. Mr. Lambert said if the Board and Chief were ok with Whitetail providing a map and each sales rep location for the shift, he didn't see a problem with this. Chief Yeager said the complaints are not a legal issue. He is concerned with the licensing and permit sides. Mr. Orlow said we could reinstate the permits, but if any complaints come are registered, then the permits will be pulled again. Ms. Wikert had a comment from the public, Barabar Ann Thav said she had solicitors at her door last month and they were not wearing masks.

Mr. Orlow said maybe we could give this a short leash, allow till the end of September, and if no additional issues, extend it providing they supply the Township with the maps.

Mr. Orlow made a motion to modify the position that was taken last meeting, and allow canvassing until the end of this month, providing masks are worn, canvasser's step away from the door, and before any canvassers go door-to-door, a map be provided to the police of the locations that are being solicited. Ms. Drummond seconded the motion; the motion was approved 3-0. Mr. Chipman thanked the Board.

Authorize Release of Request for Bids on Sewer System:

Mr. Nagel gave a brief presentation on the Exploration of Sewer System Monetization Update. The Township is moving forward on the proposal and tonight we are requesting for bids be released to the four potential suiters for the sewer system. Three are purchase and one is a long-term lease. Mr. Scheer from PFM gave a brief presentation (see link on EWT website.)

<http://www.eastwhiteland.org/DocumentCenter/View/1424/Proposed-Sewer-Sale>

Ms. Drummond made a motion to authorize the release of the request for bids of the East Whiteland Sewer System. Mr. Orlow seconded the motion; the motions was approved 3-0.

Appoint Building Code Official (Interim) – Brian Willicombe

Mr. Brown recommends Brian Willicombe to fill the interim position. Brian has all the certifications needed for this position.

Mr. Orlow made a motion to appoint Briand Willicombe to BCO. Ms. Drummond seconded the motion; the motion was approved 3-0.

Mr. Brown recommends the appointment of Fire Marshal (Interim) Matt Fink & Deputy Fire Marshal Jack Stewart (Interim)

Ms. Drummond made a motion to appoint Matt Fink and Jack Stewart, to the interim positions. Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve Carol Lane Traffic Calming Project Budget (\$33,000)

Mr. Lambert summarized that after a history of traffic complaints, survey's, and meeting with residents, the result will be traffic calming speed humps located on the Ridge, Carol lane, Summit and Madeline. Mr. Neild commented that it is a combination of lane striping, signage, and speed humps through the entire neighborhood.

Mr. Orlow made a motion to approve the Carol Lane Traffic calming project for \$33,000. Ms. Drummond seconded the motion; the motion was approved 3-0.

Zoning:

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

Appeal No. 2020-11: Application of Dan and Holly Butcher for variances from Sections 200-57.C.(6) ; 200-57.D.(1) ; 200-57.D.(2) ; 200-57.D.(4) ; and 200-57.F.(3) in order to construct a new single family dwelling and associated improvements in areas of “steep” and “very steep” slopes as part of a potential subdivision application. The property, located at 20 Old Lancaster Road, is within the R-3 (Low-Density Residential) District.

No need to send the Solicitor.

Planning & Development:

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

LD-15-2019 for WaterWalk Hotel at Worthington – Amended Master Plan and Preliminary/Final Land Development Plan

Allison Zaro, on behalf of WaterWalk Hotel at Worthington, advised they are proposing an open branded extended stay.

The application is associated with a Land Development Application to construct a 153-room extended stay hotel, interior courtyard, surface parking, and stormwater management facilities. This project is associated with Uptown Worthington Master Plans. Mr. McGrory explained that normally the board's next action would be to

authorize a draft resolution. Since this project has been seen so many times, and the resolution has already been drafted, action to pass the resolution can be taken at this time.

Mr. Orlow made a motion to pass the resolution for Water Walk. Ms. Drummond seconded the motion; the motion was approved 3-0.

Consider Authorizing Solicitor to draft a resolution for the following Subdivision & Land Development Applications:

LD-04-2020 for Uptown Worthington – Amended Master Plan and Preliminary/Final Land Development Plan (Phase IV)

Mr. Calagrecó updated the Board stating, we are not asking for any action from the board tonight; this is to give you an update on where we are with this project tonight. The plan seems to get slimmed down with each amendment. An approved theater is on the plan, scaled down screens to provide a 12 screen theater with 1157 seats, a medical office building on site reduced to a 3 story building, a parking area where another building was approved - R12 is being removed for the parking lot. All review letters are clean. A question came up with the downsizing if a parking lot is really needed. The medical office required 100 or so spaces, and this is the point that came up when discussing not having parking garages.

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

LD-17-2019 for Ducklings Early Learning Center – Preliminary/Final Land Development Plan

Mr. Orlow made a motion to authorize draft resolution, including granting the requested waivers in the resolution. Ms. Drummond seconded the motion; the motion was approved 3-0.

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

Ducklings Early Learning Center – October 30, 2020

Uptown Worthington – October 30, 2020

19 Bacton Hill Road – December 31, 2020

Ms. Drummond made a motion to approve extension of time to all requests above. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Release of Financial Security for the Following Developments:

Consider Assignment and Assumption Agreement for 6 Great Valley Parkway to release Performance Bond from the previous owner (Liberty Property Trust) and replace with a new letter of Credit for the new owner (Philadelphia Suburban Development).

Mr. Orlow made a motion to approve the assignment and assumption agreement for 6 Great Valley Pkwy. Ms. Drummond seconded the motion; the motion was approved 3-0.

Public Comment: General

Ms. Wikert read several comments from Barbara Ann Thav. She was curious with everyone working from home, is Carol Lane traffic and cut through still an issue. Mr. Lambert explained that it was not as prevalent, but yes, it is still an issue. She was also curious as to when Worthington would be completed. There have been so many resolutions and amendments. Barbara Ann also wanted to know if there was a resolution with King Road and Rt. 352.

Mr. Orlow said as for the timing of UpTown Worthington, no one knows for sure. Rich said the Village of Valley Forge really derailed Uptown Worthington, It has thousands of apartment units, retail shops, Wegmans. It took a lot of tenants that were otherwise planning to come.

Carla Mudry sent a letter, via the public comment. It was read by Mr. Brown with the agreement to summarize. Carla's concerns are the Knickerbocker Tract - bad idea to add another residential development. She felt warehouse use would be better for many reasons, such as open space, jobs, walking trails, keeping taxes down, stress to first responders not being able to get around these developments, and schools overcrowding. Another concern is to increase Board of Supervisors from 3 to 5. Carla adds that the board members need to consider why they ran for office, and are they allowing change to come at such a pace that it gets lost in translation somehow.

Consent Agenda:

Approve Meeting Minutes from August 12, 2020

Ratify Payment of Bills: \$1,971,720.74 (August 2020)

Accept Treasurer's Report: As of July 31, 2020 - Mr. Nagel said we are going to defer till the October meeting. Mr. Nagel thanked Cathy Kleponis for all her hard work during her time with the Township and wished her luck on her new adventure.

Award Heating Oil & Diesel Fuel Bids – Mr. Neild is recommending awarding Reilly and Sons.

Approve Proposal from Ryan's Plumbing & Heating for Battle of the Clouds Bathroom Plumbing (\$3250)

Approve 2021 Minimum Municipal Obligations (Pension Act 205) Conrad Siegel had recommended changes to our MMO annual contribution plans. Life expectancy changes, rate of return is struggling, we adopted incredibly wise policy of asset smoothing. For 1/1/2019 evaluation the market dipped before the end of the year which hurt us for 2 years the next evaluation is 1/1/2021. Hopefully, these gains continue through the end of the

year and we can grab back some of the market losses. Cathy Kleponis said we get our State aid in September of every year. The State aid funds the majority of the employer obligation of the plan.

Approve Proposal (\$1,200) from ARRO for Structural Engineer to Develop a Cost to Replace Warren Avenue Bridge. Mr. Nagel said this is to evaluate the current condition of the bridge not to approve.

Mr. Orlow made a motion to approve the consent Agenda as read. Ms. Drummond seconded the motion; the motion was approved 3-0.

Meeting Adjourned 9:45PM

Donna Wikert

Board Secretary