

Board of Supervisors
February 12, 2020
Minutes

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

Staff Present: 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; Ted Locker, Zoning Officer; Joe McGrory, Solicitor; Chris Yeager, Chief of Police.

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

Board Briefings:

Executive Session(s) was held on February 12 (to discuss real estate, personnel and legal matters)

Public Hearings:

- a) [CU-01-2020](#) – Conditional Use Application for Disturbance of Steep Slopes by WaterWalk Hotel at 85 Matthews Road. Applicant proposes to install driveway, parking lot, and stormwater management in areas of steep slopes.
- b) [CU-03-2020](#) – Conditional Use for Alternative Node Location for “Distributed Antenna System” by Crown Castle at 16 Moores Road. Applicant proposes to modify location of previously approved antenna.

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.

Board Motions & Resolutions:

Consider Volunteer Appointment to Pension & OPEB Board of Trustees - John Tomson

Ms. Drummond made a motion to appoint John Tomson to the Pension & OPEB Board of Trustees. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Motion to Advertise

i. Bids for Gunkle Mill Wheel Construction

Mr. Barner briefed the Board on the motion to advertise. This advertisement is for the procurement of the wheel itself including, specifications for the design, measurements, materials and assisting the contractor with the installation of the wheel.

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

ii. Chapter 189 – Vehicles and Traffic (Format Changes)

iii. Consider motion to advertise on Municibid 2 police vehicles

2014 White Ford Fusion – 141,000 miles

2015 Black Dodge Ram 1500 – 108,000 miles

Chief Yeager briefed the Board on the cars being listed for sale on Municibid. Chief Yeager also explained the Chapter 189 changes to correct wording in the ordinances: Flat Road at Sidley, the paragraph should say

Monday thru Friday 7am to 9am you cannot go East on Flat Road from Sidley. The second change was on Hillside at Swedesford Road: should say No U-Turns on Hillside, not Hillsdale. The final change is the one way street on Sproul Road: it should have said Frazer Road from Sproul Road up to College Avenue one way south. Chief Yeager added to the ordinance: Old Morehall Road is one way South from Route 29 to Lapp Road.

Ms. Drummond made a motion to advertise minor changes and clean up language in Chapter 189, Vehicles and Traffic and to advertise the sale of vehicles on Municibid. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Approval of Two Proposals from Boucher & James Inc., for Preparation of Phase 2 Investigation Reports for Balderston and Springridge Properties \$16,264

Mr. Brown explained the two proposals before the board. Boucher & James Inc. have completed an environmental investigation on the two properties that East Whiteland has an interest in acquiring. In the environmental assessment a couple of suspect areas are concerning to our consultant and environmental attorney Steve Hahn. The proposals are to rectify these concerns. Task A is the first proposal to investigate possible additional dumping associated with the old super fund site. In addition, there is an abandoned railroad track that runs thru the property that may have contamination. The cost for task A to test the site is \$4948.00. If it is necessary to drill another test well, the cost would be \$9884.00. Ms. Drummond agreed to some additional testing, however thinks the township should wait to see results before drilling any more wells.

Ms. Drummond made a motion to accept task A for addition testing at \$4948.00. Mr. Orlow seconded the motion; the motion was approved 3-0.

Steve Brown explained the second proposal on the Balderston property, which has frontage is on Phoenixville Pike that provides access to Springridge property. This proposal is to test the same old railroad bed and remove a buried fuel oil tank \$6380. Ms. Drummond said the township should not have to remove an oil fuel tank on property that is not owned by the Township. No action taken.

Consider Approval to Provide Construction Assistance to Where Angels Play for Memorial Playground in Down East Park

Mr. Brown has been in contact with the Bitto family and "Where Angels Play Network" They are well into their fund raising and the target date for opening day is June 6th 2020. They also have been in communication with our Public Works department regarding what assistance the Township will provide. Where Angels Play will be replacing the equipment, adding a swing set, and a 75 ft. zip line that is no more than 2 ft. off the ground. John Neild from our Public Works department has given an estimate cost on the high end at \$14,000 plus labor. The Township would be grading the area and providing the fabric and stone material for the base, plus the labor.

Mr. Orlow made a motion to approve the use of the Public Works department and the cost of up to \$14,000 plus labor. Ms. Drummond seconded the motion; the motion was approved 3-0.

Approve Actuarial Valuations as of January 1, 2019 for our Pension Plans (Police, Fire & AFSCME)

Cathy Kleponis discussed the summary of preliminary results, showing estimated Minimum Municipal Obligation (MMO) for 2021. Because of the poor investment results of the 4th quarter of 2018, the aggregate MMO increases to over \$275,000. If the interest rate assumption is lowered on the police plan as well, the aggregate MMO increases to over

\$380,000. Decreasing the interest rate assumption on the police plan, changing the life expectancy assumption and using an asset smoothing technique reduces the MMO to about \$295,000.

Ms. Drummond made a motion to approve the actuarial valuations as of January 1, 2019 for the pension plans which will include the 5 year smoothing and the new mortality tables. Mr. Orlow seconded the motion; the motion was approved 3-0.

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

Appeal No. [2020-04](#): Application of Oakwood WaterWalk Hotel c/o WaterWalk Redevelopment Services, LLC for a Variance from Section 200-57.C. & D. to Allow Disturbance of Very Steep Slopes for Curbing, Paving, Driveway, Parking, and Landscaping. The property is located at 85 Matthews Road and within the ROC/R (Regionally Oriented Commercial/Residential) Zoning District.

Mr. Lambert made a motion to send the Township Solicitor to the Zoning Hearing Board due in part to the very steep slope portion of this particular project. Mr. Orlow seconded the motion; Ms. Drummond opposed. Motion passed 2-1.

Appeal No. [2020-05](#): Application of Mario Tufano for a Variance from Section 200-20 & 25 Table 2, to Allow 429 square feet of Impervious Coverage over the Allowable. The property is located at 732 Stonecliffe Road and within the RMH (Medium High Density Residential) Zoning District.

No need to send the solicitor.

Discuss Milton Property Buffer Request:

Mr. Brown gave a brief overview on the Milton property. Five years ago a conditional use order was approved by the Board of Supervisors for a trail to be constructed at the pump station on Deer Lane adjacent to Mr. Milton's property. The trail connects the neighborhood to Chester Valley Trail. A condition of approval was that the Township would provide buffering to be coordinated with Mr. Milton. Mr. Milton and the Township have not been able to come to agreement on the buffering. Ms. Boswell mentioned that Mr. Brown, Mr. Milton, David Cavanaugh, Land Concepts group and Garry Mitin all walked the property back in September trying to come up with a solution that would work for all. Ms. Bowell acknowledged they are not looking for anything specific tonight, just wanted the Board to be in support of the Staff administration with hopes to come to the March meeting with a final plan. Ms. Drummond agreed the Township will provide Mr. Brown with direction on a reasonable dollar for the buffer. Mr. McGrory stated that he does not agree with Ms. Boswell's position that the Township must maintain the site in perpetuity, but will rely upon the nursery stock's warranty, usually 12-18 months.

Planning & Development:

- c) Consider Extension of Time in order to Render a Decision on the Following Applications:
 - i. Bishop Tube Redevelopment – Preliminary Subdivision & Land Development through July 31, 2020
Mr. Orlow made a motion to accept the extension. Ms. Drummond seconded the motion; the motion was passed 3-0.
 - ii. WaterWalk Hotel – Preliminary/Final/Master Plan through April 8, 2020
Ms. Drummond made a motion to extend the application review. Mr. Orlow seconded the motion; the motion was passed 3-0.
- d) Consider Authorization to Advertise & Schedule a Public Hearing:
 - i. Off-Premises Signs Amendment (Zoning Ordinance)
Mr. McGrory mentioned that staff is still working on language regarding glare and other issues related to on and off premise advertising for electronic signs. This amendment is simply to restore the language describing the setback from township borders to be measured along the centerline of Rt. 30.
Mr. Orlow made a motion to authorize the advertising & schedule a hearing. Ms. Drummond seconded the motion; the motion passed 3-0.
- e) Consider Final Release of Financial Security/Escrow Funds for the Following Developments:

- i. Aldi Grocery Store (5 Matthews Road)
Ms. Drummond made a motion to release final financial security. Ms. Orlow seconded the motion; the motion passed 3-0.
- f) Consider Authorization of Waiver from Stormwater Management Ordinance:
 - i. Single Family Home (4 Charles Street) there are 2 waivers to consider:

Section 301.U prohibits disturbance of vegetation within 100 feet of the top of the stream bank. After discussion and concern on the stream location it was decided to table until next month meeting and invite the applicant.

Mr. Lambert made a motion to table section 301.U. till March meeting. Mr. Orlow seconded the motion; the motion was approved 3-0.

Section 306.K.4 requires stormwater infiltration practices to be set a minimum of 20 feet from the road right-of-way line. The infiltration bed is proposed 14 feet from the right-of-way line.

Mr. Orlow made a motion to approve section 306.K.4. Ms. Drummond seconded the motion; the motion was approved 3-0.

Public Comment: General:

Ms. Thav wanted to bring to Chief Yeager's attention that she observed people running the red lights at Route 29 & 30 and coming off of 202 and Matthews Road. She also mentioned there is a large amount of trash around the new retail establishments that have opened. Also, trash is being dumped again off of Route 30 near Sunrise and political signs are not being removed from the township. Chief Yeager advised her that she should report these issues with details on the website so the police could act upon them. Ms. Thav asked what came of the noise complaints at Locust Lane. Mr. Brown said there have been no complaints since the neighbors meet with the owners.

Consent Agenda:

Approve Meeting Minutes from January 15, 2020 and January 29, 2020.

Accept Treasurer's Report: As of December 31, 2019

Ratify Payment of Bills: \$1,324,565.00 (January 2020)

Ratify Conditional Job Offer to Monique Williams for Communication Coordinator, effective January 21, 2020 (JN)

Ratify Promotion of Joseph Miles to Administrative Police Secretary, effective January 27, 2020

Ratify 2020 Fee Schedule with 2020 Rates for Pennoni

Approve Chester County Parks and Open Space Preservation Department Grant Resolution for Bacton Hill Park Construction

Approve 2020 Friends of Summer Stage Contribution (\$10,000)

Approve Beer Garden, Waiver of No Alcohol Policy and Indemnification Agreement for Locust Lane for Summer Concert Series

Approve Removal of Playground Slide at Birch Road Park

Approve DCNR Grant Signature Resolution for Bacton Hill Park Construction

Mr. Orlow made a motion to approve the consent items as read by Chair. Ms. Drummond seconded the motion; motion passed 3-0

Meeting Adjournment – 8:45