

Board of Supervisors

June 14, 2023

Minutes

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; Usha Hogan, Direct of Finance; Zach Barner, Director of Planning and Development; John Mateja, Zoning Enforcement Officer; John Neild, Direct of Public Work; Chris Yeager, Police Chief; Greg Lewis, Fire Chief; Bernadette Kearney, Township Solicitor, John Nagel, Special Projects

Action Meeting: Mr. Lambert called the Zoom meeting to order at 6:35 P.M. Pledge of Allegiance

Board Briefings:

Executive Session(s) were held on June 14, 2023, at 4:30 pm (legal, personnel and real estate)

Grant Application Updates: Ms. Ricardo was pleased to announce that we received grant \$20, 000 from Williams Pipeline Corp, Bacton Hill park improvements. Pending application for DCED GTRP Bacton Hill \$250,00. Total pending awarded and award just over \$33 million dollars.

Sewer Sale – Mr. Nagel gave an update on Appeal, we are still waiting for word from the Common Wealth Court, we most likely won't hear anything till September. Question from Carol Rapp asked if some of the money can be used toward open space, Bishop Tube, this part of the Township still doesn't have a park. Question from Deb Mobile, seconded what Carol Rapp said, planning for the future, consistent problem with the southern part of town.

Route 30 Corridor –The Board and staff have been providing information and updates regarding the plan for improvements to Route 30 Corridor at our public meetings for over a year now. We thought it was a good idea to take a step back and remind the community of why we are doing so. As many residents are likely aware, the Township has been actively seeking solutions to address several issues that exist along the corridor. These issues include high level of traffic creating heavy congestion and air pollution, a significant number of documented rear-end collisions, lack of medians and limited turning lanes, and an inconsistent network of pedestrian/ bike access to safely walk along and across the road. Since improvements to the Route 30 corridor have become a priority as identified in the Township Comprehensive Plan (2016) and Route 30 Corridor plan in (2018), the Township has been seeking grant funding from State and Federal sources. In general, planning improvements are to construct a five-lane cross section with two travel lanes in both directions, add pedestrian and bike facilities, and other associated congestion and safety improvements. Our efforts were initially focused on the stretch of Lancaster Avenue between Planbrook Road and Church Road. The following benefits will be realized with implementation of this plan.

Safety: An estimated 68% reduction is expected in annual crashes for all severity levels. Also, improved emergency response time due to reduced congestion.

Improved Congestion/Quality of Life: Travel time savings for passengers due to reduced congestion.

Expanded pedestrian access to daily destinations. Health and wellness benefits due to addition of sidewalks and designated bike lanes.

Improved Mobility and Community Connectivity: Installation of 1.89 miles of sidewalk and designated bike lanes with 9 crosswalks at three high volume intersections.

Economic Competitiveness and Opportunity: Providing access from and to nearby businesses, neighborhoods, Immaculata University, and Chester Valley Trail. Restore and modernize existing transportation infrastructure.

Economic Sustainability: Reduced vehicle miles traveled, reduced travel delay, and encourage the use of sidewalks/bike lanes, which will significantly improve health and the environment in East Whiteland and the region.

Innovation: Signal modernizations will be expanded throughout the corridor and include the use advanced traffic controllers, pedestrian and bicycle detection, and installation of fiber optic cable communications.

Campus Master Plan – no update

Update Route 29/30 Beautification project – Mr. Lambert was pleased to announce the project is completed. Questions and comments: Barb Arnold said it looks great! But the potholes are tremendous on Route 29 and she is aware that is not a Township Road but are there any plans in fixing this. Mr. Lambert said call PennDOT 800 number and report the potholes. Nikki Whitlock from Senator Muths staff said she would make a call tomorrow. Carol Rapp said it looks nice too, what is the plan to keep those plants watered. Mr. Fixler said the contractor has guaranteed them for 1 year.

Upcoming Events - National Night Out August 1, 2023 TBD on location – Summer Concert Series – Movie Night – Truck or treat in October - Ms. Ricardo gave an update on dates and times, please check our Website and Facebook page for all events.

Malvern TCE Site and Balderston Property – Ms. Ricardo mentioned there will be limited work done on the site. Interim remediation measures on this site, surface soil excavation, most likely one truck load, but wanted to point it out in case you see work going on at the site.

MS4 Annual Program Status Presentation – Andrew Tulia – click on link below:

<https://www.eastwhiteland.org/DocumentCenter/View/3313/MS4-Presentation>

Route 352 Train Overpass update – Mr. Lambert explained that the traffic engineers are looking into the situation of trucks getting stuck under the under pass on 352. While this is not our ownership, we are seeking solutions to try to help. They look at over height protection and warning systems, we are looking at pursuing an Arlee grant application. Concerns are who would own the system, likely the township, and consider extra flashing lights on the bridge. They have reached out to PennDOT and are waiting for a reply.

Mr. Lambert thanked Mr. Nagel and wished him well on his retirement. From April 2015 till Dec 2022. In 2022 John stepped down as Township Manager and has helped steer the township on high level projects. He was a key member on the RAISE grant team helping maneuver through the Federal grant processes. He has helped with legislative and outreach programs, community support and has helped with multiple levels of PennDOT. John has worked on many other projects, helping the Township identify safe and competitive interest rates with Key bank for the \$54 million dollars we received from the sewer sale. Mr. Lambert appreciates all of Mr. Nagel's efforts and wished him well on his retirement.

Mr. Orlow and Mr. Fixler both echoed what Mr. Lambert said. Mr. Brown thanked John for bringing him on in 2017. He has learned a lot and appreciated his guidance and hopes to continue to do right by him, he wished him well. Mr. Nagel thanked all three Board members addressing them individually. Thanking them all for their continued support over the years. He thanked Board members who are no longer on the Board, for all their guidance and support. He thanked Mr. Brown and thanked staff for their continued support. He thanked Bernadette Kearney and the late Joe McGrory for all their respect and support. Best wishes to all.

Mr. Lutz asked why the public hearing is not taking place tonight, it was continued to tonight's meeting.

Ms. Kearney said we are not continuing it, if considered at a later date they will have to advertised it and start the procedure over. He also said the Board authorized an environmental assessment on 164 Conestoga Road and he requested a Right to Know on this topic. Ms. Kearney said only if they acquire the property can we release the assessment. The right to know law is clear on this, the Township does not own the property therefore cannot permit those types of reports to be seen by the public. Mr. Lutz concern is the Township funded the assessment.

Chester County Planning Commission – “Starter Home Pilot Project”

William Deguffroy, Community Planning Director and Libby Horwitz, Senior Housing & Economic Planner

This agenda item is intended to provide a brief conversation about the concept and determine whether the Board is interested in having the Township participate in this program.

- This pilot project appears to be part of larger efforts to address affordability throughout the County – including the [County's A+ Homes Program](#) (short for Age-Friendly, Affordably Priced, Attractive, Adaptable, and Accessible).
- The County is seeking assistance from municipalities to identify “*potential residential development sites near amenities.*” The cost of land is viewed as one of the factors that public entities may be able to provide some level of assistance in order to lower the cost of development – which is ultimately passed on to potential purchasers.
- One idea that has been floated, but does not appear to be an official (or funded) initiative by the County, is to create a landbank – whereby the County (or some other entity) would acquire sites and administer a program to build, market, and deed restrict residential developments to ensure that future sales would maintain a certain level of affordability for future buyers. Similar concepts involving public-private partnerships have been implemented elsewhere in the Country, but this would be a first for Pennsylvania.
- The County would provide technical assistance to develop proformas and draft zoning ordinance language to accommodate Missing Middle housing types – such as duplexes, twins, townhomes, triplexes, and/or quadplexes (refer to [Missing Middle Website](#) and [County Resource](#)). These ordinance

amendments would ultimately be reviewed and approved at the municipal level (not at the County level) if deemed appropriate by the Township.

<https://www.eastwhiteland.org/DocumentCenter/View/3308/CCPC-Starter-Home>

The Board is in full agreement and interested in this potential program. Nikki Whitlock asked several questions, is there an identifier of the people once the homes are built. Are there qualifications, limitations on income. Would it have to be an East Whiteland Township resident, who sets the rules and is there help with downpayments? Libby said it will be municipal by municipal base and working with the developer, determining qualifications and limitations on income. Currently no downpayment assistance. Nikki Whitlock mentioned at one time she was part of a plan similar to this in Alexander City Va. That program developers were required to designate percentage of new homes for first time buyers has that been looked into. Libby said that is inclusionary zoning still questionable in Pa. at this time.

Motions & Resolutions:

Ratify hiring of PT Front Desk Office Assistants - Tara McDaid

Mr. Orlow made a motion to approve the hiring of Tara McDaid. Mr. Fixler seconded the motion; the motion was approved 3-0.

Parks and Recreation Resignation – Chuck Barbera – The Board and staff thanked Chuck for all his support and all he has done for the Park and Recreation Committee.

Mr. Orlow made a motion to accept Chuck Barbera's resignation. Mr. Fixler seconded the motion; the motion was approved 3-0.

Approve Appointment to Pension/OPEB Board – Ryan Dougherty (3-year term 2026)

Mr. Orlow made a motion to approve the application of Ryan Dougherty onto the Pension/OPEB Board.

Mr. Fixler seconded the motion; the motion was approved 3-0.

Consider Appointment of Investment Services Firms for Operating and Capital Funds

Mr. Nagel said the Financial Department has been working on this project for over a year. An RFP was sent out to over five firms, Key Bank, PLGIT, JP Morgan Chase, Girard, Public Financial Management (PFM) and Wilmington Trust. This was a long interview process, the group came up with a decision on leading candidates which are Chase, Girard, and Public Financial Management.

Mr. Orlow made a motion to authorize the Township to engage Girard, JP Morgan Chase and PFM in accordance with the recommendation of the investment committee. Mr. Fixler seconded the motion; the motion was approved 3-0.

Accept Comprehensive Annual Financial Report for Fiscal Year Ended December 31, 2022

Mr. Orlow made a motion to accept the Annual Financial Report for Fiscal Year Ended December 32, 2022.

Approve Fund Balance Assignments as of December 31, 2022

Mr. Orlow made a motion to accept the Fund Balance Assignments as of December 31, 2022. Mr. Fixler seconded the motion; the motion was approved 3-0.

Personnel Actions – Mr. Brown is requesting a motion from the Board to approve the Personnel Action Resolution between the Township and the Police Union regarding employee Badge number 3, I need the Board to make a motion and vote to approve the MOU which contains the Resolution related to this matter.

Mr. Lambert made a motion to approve as read by Mr. Brown. Mr. Fixler and Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Motion to Advertise and Motion to Award:

Ratify bid award for 2015 Ford 150 bid - Mr. Fixler made a motion to ratify and accept highest bid. Mr. Orlow seconded the motion; the motion was approved 3-0.

Planning & Development:

Discussion regarding participation in Chester County Planning Commission “Starter Home Pilot Project” Initiative – Moved to after Board Briefings

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

SD-01-2023 for Preliminary / Final Subdivision Application at 99 Old Valley Road – extension to August 31, 2023. Mr. Fixler made a motion to approve extension. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Final Release of Financial Security for the Following Developments:

Linden Hall (Pulte Group) in the amount of \$293,986.98 (Bond) Mr. Orlow made a motion to approve final release. Mr. Fixler seconded the motion; the motion was approved 3-0.

Commons at Great Valley – Lot 15 (1303 Wrights Lane Associates, L.P.) in the amount of 365,985.36 (Cash Escrow) Mr. Fixler made a motion to approve final release. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Motion to Authorize Advertising for the Following Ordinance Amendments:

Zoning Text Amendment related to Signs in ROC/R Regionally Oriented Commercial-Residential District Developments (Section 200-89.1)

Mr. Barner explained that the Township Ordinance pretty much determines the types and sizes of signs. The applicant is asking for one additional tenant identification sign. Mr. Orlow made a motion to approve advertising of the signs in ROC/R. Mr. Fixler and Mr. Lambert seconded the motion; the motion was approved 3-0

Ordinance Amendment related to Traffic Control Signals and Devices to Exempt School Buses from Travel Restriction (Section 189-8.B)

Mr. Barner said this would pertain to the following roads: This will be an exception to the current signs not allowing traffic between certain times.

Corner of Sidley and Flat, Lapp and Sidley, Flat and Rt. 29 and we added Swedesford and Conestoga.

Mr. Fixler made a motion to approve. Mr. Orlow seconded the motion; the motion was approved.

Question from Garry McCluster regarding the signs, his understanding is that the ordinance allows the school buses. Mr. Orlow pointed out its time restricted. Chief Yeager said you cannot proceed East on Flat Road.

Consider Motion to Authorize Advertising for the Following Conditional Use Applications:

CU-02-2023 for Chester County Intermediate Unit at 40 Moores Road

Mr. Orlow made a motion to approve advertising for Hearing July 12, 2023. Mr. Fixler seconded the motion; the motion was approved 3-0.

Question – Mr. Lutz asked what is this for? Mr. Barner said this is the address that was assigned to the baseball field. This is an application for Chester County Intermediate Unit. Mr. Lutz is concerned, is this a school and is it allowed in a professional office unit. Mr. Barner said it is by condition use it would be allowed, educational cultural uses by conditional use applications. Mr. Lutz asked how you will notify the surrounding property owners. Mr. Barner said they will follow the ordinance.

Presentations regarding Development Proposals:

GMH Communities – Apartment Proposal at 249/255 Lancaster Avenue

Staff is requesting that the Board consider the Applicant's presentation and provide feedback on the proposed project. No formal action is requested at this time unless the Board would like to refer the proposal to the Township Planning Commission for discussion.

https://www.eastwhiteland.org/DocumentCenter/View/3314/GMH-Shaun-presentation_249Lancaster_June-2023-3

There were several concerns from residents Carol Rapp, Deb Mobile, Mary Decker, and Larry Lawrence about the amount of traffic this would create, its already a traffic disaster putting a light there is only going to create even more of a traffic issue. Residents are concerned about not having affordable housing. They are concerned about the exceptions developers are being granted. They are also concerned with high rises blocking sunlight to the garden at the church which feeds a lot of people and rebuilding that would take years. There is also concern about overtime these types of places get sold and the service levels go down therefore the cliental also goes down. State Senator Katie Muth had a few things to ask concerning the proposed development, first she said these types of apartments are coming up in surrounding Townships. She is curious if they will consider solar panels with the flat roofs if would offset utility bills for people living there. She also recommends that if these are being built to use gas utilities she recommends they immediately change that, we are trying to fight a climate control crisis. It's also difficult for first responders to deal with these types of developments. Ms. Muth asks if the developer would be willing to participate in some level of reduced rent for affordable housing for more than one sector of demographic that can afford to live here. Rent is on the uprise she suggested they partner with the Community, it would be an example of being a good neighbor, trying to do good for the community not just for the bottom line.

The Board is in agreement that this proposal is too early, it is the first time they are seeing this and have a lot of questions. They also agreed that they would rather see something other than apartments, maybe a pocket park or outside entertainment. They cannot support this proposal at this time.

Zoning & Code Enforcement:

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

- i. ZHB-01-2023 for the Application of Covenant United Presbyterian Church with respect to property located at 384 Lancaster Avenue in the FC (Frontage Commercial) District. The application is for a variance to Section 200-31, Attachment 7, to allow a setback of five (5) feet where the Code requires twenty (20) feet to permit the erection of a 20' x 33' addition to the rear and a 8'-4" x 25' vestibule to the front of an existing building to accommodate enhanced access and storage for the operation of the People's Pantry. The proposed encroachment would be to the railroad right of way to the south and Church property to the west.
- ii. ZHB-03-2023 for the Application of Great Valley Owners Association c/o Brite Realty with respect to property located at 40 Liberty Boulevard, 2 West Liberty Boulevard, and 7 Great Valley Parkway. Applicant proposes to install three (3) signs in total at three (3) different access point to the Great Valley Corporate Center. Applicant requests variances from Section 200-83.F(1)(a) to permit the maximum sign area of each sign to exceed 60 square feet; Section 200-83.F(1)(b) to permit the signs to be internally illuminated rather than indirectly illuminated; Section 200-83.F(1)(c) to permit the signs, including the symbols, to be a maximum height above the finished grade of 14 feet rather than the maximum height of 6 feet above finished grade.

No need to send the solicitor.

Question from Carol Rapp, what does indirectly illuminate mean? Mr. Calagrecó said it means light inside the sign. Carol asked how distracting this was going to be. Mr. Calagrecó said the ZHB will set the conditions and lighting limitation appropriate for the sign.

Code and Property Maintenance Enforcement Update – Mr. Mateja gave an update on issues about trash and recycling pickups by AJ Blosenski. Apparently, they have been bought out and are having staffing issues.

Mr. Lambert asked about regulations for trash haulers, Mr. Mateja said no they must follow regulations, but this is a residential contract issue.

Public Comment:

Mr. Caban asked about 164 Conestoga Road, he finds the proceeding to be confusing. He said in February it was approved to advertise for the hearing, taking it from open space to professional office space and then voted to continue the hearing. At Mays meeting we asked to consider the Open space back to Professional office space, so why is this not on the agenda for tonight. Ms. Kearney said it died on the vine, if the party wants to consider again, then we would have to advertise again and start over from the beginning. He asked what is the status of this property? Mr. Caban finds it inappropriate to consider the purchase of a property together with a zoning change as part of this deal. By changing the zoning of the deal, you are awarding economic benefit. There have been several zoning debacles in this Township and after the deal was closed the codes and ordinances were changed back. Mr. Caban said this is a pattern and asked the Board to please consider paying attention to sleepy zoning changes and lets have a standard for vetting.

Mr. Orlow said, I have no interest in changing the Zoning for that property or acquiring the property as far as he is concerned there is no reason to acquire that property! Mr. Caban said thank you very much Rich!

Barb Arnold, thanked the Board for inviting Senator Katie Muth and Nicki Whitlock. She also said she received a letter from DEP stating they are hosting a meeting about Bishop Tube, she is asking the Board to have their meeting after DEP's meeting. Mr. Brown has been in contact with Dustin Armstrong from DEP. He told Mr. Armstrong we are not ready at this point to select a date yet. Mr. Armstrong said he met with Delaware River Keepers and asked us to follow the DEP meeting. Mr. Brown said today we received a letter from DRK saying

the complete opposite and saying we are not communicating with DEP on the meetings. Mr. Brown said this is completely incorrect.

Consent Agenda:

Approve Meeting Minutes from May 2023

Ratify Payment of Bills : \$ 1,135,221.10

Accept Treasurer's Report for April

Ratify Proposal from Security 5 for front desk intercom \$1283.08

Approve Proposal from Harrisburg Furniture for Office furniture \$3851.00

Ratify Bernardon additional services for new police/municipal building \$9600

Annual contributions to People's Light and GVCO \$1500 each (

Approve PEMA DAP-01 resolution for reimbursement of COVID-19 emergency measures costs and DR-4618
Hurricane IDA reimbursement from Hurricane IDA

Mr. Fixler made a motion to approve Consent as read by Chair. Mr. Orlow seconded the motion; the motion was approved 3-0.

Meeting Adjournment – 10:00pm

Donna Wikert

Board Secretary