

## **EASTTOWN TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING MINUTES OF FEBRUARY 19, 2019**

The February 19, 2019 Regular Meeting took place in the Township meeting room at 566 Beaumont Road, Devon. Supervisors present included: Betsy Fadem, Chair; Christopher D. Polites, Vice Chair; James W. Oram, Jr.; Karl A. Romberger, Jr.; and Marc J. Heppe. Also attending were Dan Fox, Township Manager; Eugene C. Briggs, Jr., AICP, CZO; Dave Obzud, Police Chief; Bill DeFeo, Finance Director; Kate Jones, Administrative Coordinator; Brady Flaharty, PE, Alternate Township Engineer; and Andrew D. H. Rau, Esquire, Township Solicitor.

### **CALL TO ORDER**

Chair Fadem called the meeting to order at 7:02 pm, which was followed by the pledge of allegiance. Mrs. Fadem announced that the Board met in Executive Session prior to the public meeting to discuss matters of personnel and real estate.

### **BOARD MOTIONS AND RESOLUTIONS**

#### **Consideration of Approval of Land Development (LD) Application 113: 440 Darby Paoli Road – Waynesborough Country Club**

Mr. Flaharty introduced this item to the Board. This Land Development Application (LD 113) was originally submitted to the Township on August 30, 2018. The Applicant proposes to partially demolish, reconstruct, and expand its swim club. At the February 05, 2019 Planning Commission meeting, the Planning Commission recommended that the Board of Supervisors consider approving the Application with conditions. These recommendations are memorialized in its February 13, 2019 recommendation letter prepared by Buckley Brion McGuire & Morris LLP.

Debbie Shulski, Esq. was in attendance representing the Applicant. After her presentation, Mrs. Fadem opened the floor to the Board. Mr. Polites sought clarification regarding the overall fees for the fee-in-lieu option for sidewalks and curbs. Mrs. Fadem then opened the floor to the public and there were no comments.

On a motion by Mr. Oram, and seconded by Mr. Polites, the Board unanimously approved Land Development Application 113 for 440 Darby Paoli Road – Waynesborough Country Club, subject to the following conditions:

1. That the Applicant comply with the outstanding comments in the following Township review letters/memorandum:
  - a. ARRO Consulting Inc. review letter dated January 28, 2019
  - b. McMahon Associates, Inc. review letter dated January 29, 2019
  - c. Glackin Thomas Panzak review letter dated January 29, 2019
  - d. Township Zoning Officer review memorandum dated January 30, 2019

2. The following eight (8) waivers are granted:
  - a. A waiver from Section 400-22.A and Section 400-23.A to provide the plan drawn at a 1" = 20' scale.
  - b. A waiver from Section 400-22.B and Section 400-23.B to provide the plan on 24" x 36" sheets.
  - c. A partial waiver from Section 400-22.C.(5) and Section 400-23.C.(5) to only provide the property owners adjacent to the project area on the plan.
  - d. A waiver from Section 400-22.C.(7) and Section 400-23.C.(7) to not show the total lot boundaries on the Plan.
  - e. A waiver from Section 400-22.D.(2) to not provide a profile of the nearest street for the distance of 100 feet beyond the property boundary.
  - f. A waiver from Section 400-25.E to not provide a traffic impact study.
  - g. A waiver from SALDO Section 400.32.E and Section 400-34.A to not widen Waynesborough Road and S.R. 0252 (Darby Paoli Road) provided the Applicant pay a fee-in-lieu of widening 400 linear feet adjacent to the project area in accordance with the Township's adopted 2018 Fee Schedule (\$7.00 per square foot of widening). This fee is to be based on the amount of widening that will be determined by the Township Transportation Engineer. Such fee shall be paid prior to recording of final plans.
  - h. A waiver from SALDO Section 400-41 to not provide curb and sidewalk along Waynesborough Road and S.R. 0252 (Darby Paoli Road) provided the Applicant pay appropriate fees-in-lieu of curb and sidewalk for 400 linear feet adjacent to the project area in accordance with the Township's adopted 2018 Fee Schedule (\$28.00 per linear foot for curb and \$32.00 per linear foot for sidewalk). Such fees shall be paid prior to recording of final plans.
3. The Applicant shall comply with the Township's development and permitting requirements, including but not limited to, execution of development agreements, posting the necessary financial security for the proposed public and quasi-public improvements and obtain all necessary permits for the development.
4. The Applicant shall reimburse the Township for all outstanding fees and charges incurred by the Township in processing and considering the Subdivision and Land Development Application, including but not limited to legal, engineering and consulting review fees.
5. The proposed use and development, and intensity thereof, shall be consistent with the testimony and evidence provided at this Public Meeting.

## **Consideration of Approval of Subdivision (SD) Application 521: 729 First Avenue and 61 Knox Avenue**

Mr. Flaharty introduced the Board to this item. This Subdivision and Land Development Application (SD 521) was originally submitted to the Township on October 15, 2018. The Applicant proposes to demolish all structures and subdivide two lots into four lots for the construction of four new single-family detached dwellings. At the February 05, 2019 Planning Commission meeting, the Planning Commission recommended that the Board of Supervisors consider approving the Application with conditions. These recommendations are memorialized in its February 13, 2019 recommendation letter prepared by Buckley Brion McGuire & Morris LLP.

Rob Lambert, PE was in attendance representing the Applicant. After his presentation, Mrs. Fadem opened the floor to the Board. Mr. Polites remarked that he appreciated the proposed two-car garages, given the limited on-street parking in Berwyn Village.

Mr. Fox asked the Board to consider who would be responsible for sidewalk maintenance in the area that Applicant is to install sidewalks outside of the proposed development. The Applicant answered that the three property owners in question would be responsible for their own respective maintenance and that he was able to contact and receive positive feedback from two of this property owners regarding the installation. The third property owner, while contacted in good faith, was unresponsive. A conversation ensued regarding the process of installing sidewalks in the Township's right-of-way, and the responsibility that is attached to this process moving forward both in terms of the property owner and future Township Policy. After discussion, the Board opted to explore this farther while agreeing that, for this particular project and location, the sidewalk connection is an important component to overall connectivity laid out in the Township's recently adopted Comprehensive Plan.

Mr. Romberger also stated that, as the liaison the Historical Commission, that the Historical Commission is disappointed that this project is moving forward with demolition of existing properties onsite rather than preservation.

Mrs. Fadem opened the floor to the public and Louise Story, of 2080 Buttonwood Road, sought clarification regarding the fee-in-lieu sidewalk process.

On a motion by Mr. Polites, and seconded by Mr. Heppe, the Board unanimously approved Subdivision and Land Development Application 521 for 729 First Avenue and 61 Knox Avenue, subject to the following conditions:

1. That the Applicant comply with the outstanding comments in the following Township review letters/memorandum:
  - a. ARRO Consulting Inc. review letter dated January 17, 2019;
  - b. McMahan Associates, Inc. review letter dated January 29, 2019;
  - c. Glackin Thomas Panzak review letter dated January 29, 2019; and
  - d. Township Zoning Officer review memorandum dated January 29, 2019.

2. The following three (3) waivers are granted:
  - a. A waiver from Section 400-34.A to not widen the road of First Avenue or provide a fee-in-lieu of widening this road along the frontage of 729 First Avenue conditioned upon the Applicant installing the sidewalk, as deemed acceptable by the Township Transportation Engineer, along the frontages of 737, 739, and 741 First Avenue. Should the Applicant not install the sidewalk along the frontages of 737, 739, and 741 First Avenue, the Applicant shall pay a fee-in-lieu of widening the road along the frontage of 729 First Avenue in accordance with the Township's adopted 2018 Fee Schedule (\$7.00 per square foot of widening). Such fee shall be paid prior to recording of final plans.
  - b. A waiver from Section 400-34.A to not widen the road of Knox Avenue or provide a fee-in-lieu of widening this road along the Knox Avenue frontage of 729 First Avenue and along the frontage of 61 Knox Avenue conditioned upon the Applicant installing the sidewalk, as deemed acceptable by the Township Transportation Engineer, along the frontages of 737, 739, and 741 First Avenue. Should the Applicant not install the sidewalk along the frontages of 737, 739, and 741 First Avenue, the Applicant shall widen the road of Knox Avenue along the frontage of 729 First and 61 Knox Avenues.
  - c. A waiver from Section 400-41 to not install curb and sidewalk along Knox Avenue or provide a fee-in-lieu of installing curb and sidewalk along the Knox Avenue frontage of 729 First Avenue and along the frontage of 61 Knox Avenue conditioned upon the Applicant installing the sidewalk, as deemed acceptable by the Township Transportation Engineer, along the frontages of 737, 739, and 741 First Avenue. Should the Applicant not install the sidewalk along the frontages of 737, 739, and 741 First Avenue, the Applicant shall install curb and sidewalk along the Knox Avenue frontage of 729 First and 61 Knox Avenues.
3. The Applicant shall comply with the Township's development and permitting requirements, including but not limited to, execution of development agreements, posting the necessary financial security for the proposed public and quasi-public improvements and obtain all necessary permits for the development.
4. The Applicant shall reimburse the Township for all outstanding fees and charges incurred by the Township in processing and considering the Subdivision and Land Development Application, including but not limited to legal, engineering and consulting review fees.
5. The proposed use and development, and intensity thereof, shall be consistent with the testimony and evidence provided at this Public Meeting.

## **Consideration of Adoption of Proposed Ordinance 438-19: Partial Defeasance of Easttown Municipal Authority Bond Series 2011**

Mr. Rau updated the Board regarding this item. The Board authorized advertisement of this proposed ordinance at its meeting on February 04, 2019 and the Municipal Authority adopted EMA Resolution 2019-01 authorizing the Partial Defeasance at its meeting on February 12, 2019.

Mrs. Fadem opened the floor the Board and there were no comments.

Mr. Heppe made a motion to adopt Easttown Township Ordinance No. 438-19 authorizing partial defeasance of the Easttown Municipal Authority Guaranteed Sewer Revenue Bonds, Series of 2011, dated October 20, 2011. The defeasance amount shall be \$3.2 million dollars, plus accrued interest, which relates to Authority infrastructure financed by the proceeds of the 2011 Bonds, and now sold as part of the Valley Creek Trunk Sewer Asset Purchase Agreement. Mr. Romberger seconded the motion. Mrs. Fadem opened the floor to the public and there were no comments. The motion passed unanimously.

## **DEPARTMENTAL REPORTS**

### **Finance**

Mr. DeFeo outlined the contents of his memo, dated February 19, 2019 and Mr. Heppe noted that the Township is receiving a lower than average amount of real estate transfer taxes than is usual for this time of year.

### **Planning and Zoning**

Mr. Briggs outlined the contents of his memo, dated February 13 2019. He noted that the Village of Berwyn Parking Study Task Force will next meet on March 19, 2019 to review and recommend its final study. This study should be before the Board of Supervisors for consideration at its April 15, 2019 public meeting.

In regards to the Devon Center Master Planning/Zoning Amendment Task Force, Mrs. Fadem added the following: "Trying to be very explicit and specific, I wanted to note that at the end of the first Task Force meeting, a local developer shared with the entire group his vision for two of the properties within the area of study. I want to make sure that anyone who has read about the plans understands that the developer has not submitted anything formal to the Township. He was interested in going forward with the plan last August by submitting to the Township's Planning Commission, but understood, due to timing, that they would most likely suggest he wait until this task force begins its study. That is why the plans were ready and why he distributed them there. With no press here, I ask that my comments be added to the minutes to inform our residents."

## **Police**

Chief Obzud discussed various police related matters, including the implementation of body cameras. As liaisons to Neighborhood Watch, Mr. Heppe and Mr. Polites state that they had nothing report because the group had not met. Mr. Oram and Mr. Romberger, liaisons to the Police Department, thanked Chief Obzud for the recent tour he had provided of the station.

After these reports, Mrs. Fadem opened the floor to the public and there were no comments.

## **REGULAR TOWNSHIP BUSINESS**

### **Minutes**

Mr. Oram made a motion to approve the minutes from the Regular Meeting of February 04, 2019. Mr. Polites seconded the motion. Mrs. Fadem opened the floor to the public and there were no comments. The motion unanimously passed with one addition made by Mrs. Fadem to the Regular Meeting Minutes.

### **Authorize Payment of Bills**

Mr. Oram made a motion to authorize payment of the bills totaling \$611,232.34, date ending February 13, 2019. Mr. Heppe seconded the motion. The Board questioned the staff on miscellaneous aspects of the bills. Mrs. Fadem opened the floor to the public and there were no comments. The motion passed unanimously.

## **BOARD OF SUPERVISOR REPORTS**

*Easttown Citizens Advisory Committee (James Oram and Betsy Fadem):* Mr. Oram stated that Chester County Community Outreach Coordinator, Amy Kate Amer, was in attendance at the February meeting to discuss the Township's Crisis Communications Plan. Mrs. Fadem added that the Township is considering replacing its reverse 911 software with the County's, which, if suitable to the Township's needs, is free for use. She then asked Ms. Jones if archived issues of the Township's print newsletter are available online and Ms. Jones responded that there is a page on the Township's website dedicated to past issues of INCommunity Magazine.

*Historical Commission (Karl Romberger):* Mr. Oram attended this meeting as the alternate liaison for Mr. Romberger. The Commission has finished compiling an inventory of Historic Resources to accompany the newly adopted Township Comprehensive Plan's Historic Resources Inventory Map. He noted that Mrs. Fadem and Mr. Briggs attended this meeting to discuss the Devon Train Station project.

*Library Board (Marc Heppe):* Mr. Heppe stated the Library is considering a simple redesign of its interior to make the front desk more open and inviting to visitors.

*Municipal Authority (Karl Romberger):* Mr. Romberger was unable to attend this meeting, but stated that the bond issue, which was a business item before the Board tonight, was the main point of discussion at the Authority meeting in February.

*Park & Recreation Board (Christopher Polites):* Tom Toscani, Chair of the Parks and Recreation Board, was in attendance and discussed his Board's recommendations for a trail near the Newtown Road Pump Station. Mrs. Fadem thanked him for his passion and dedication to the Township and added that the Board cannot vote on this item until it is before them officially and when Public Works Director Don Curley can be present and afforded the opportunity to comment. Mrs. Fadem suggested that the proposed trail be a business agenda item at the Board's public meeting on March 04, 2019.

*Planning Commission (Marc Heppe and Betsy Fadem):* Mr. Heppe and Mrs. Fadem noted that the business items previously considered at this meeting and Mr. Brigg's departmental report covered applications reviewed at the Planning Commission meeting in February.

Mrs. Fadem opened the floor to the public and a conversation ensued regarding false alarm calls within the Township and the financial and time burdens these place on the fire companies. Tom Torresson, a member of the audience and President of the Berwyn Fire Company, noted that they continue to be a problem and sought clarification regarding the difference between Tredyffrin and Easttown's regulations regarding citations. Mr. Rau answered that the Township may not be able to expand upon its false alarm citations as Easttown is a Second Class Township and is subject to certain rules by the state that Tredyffrin Township a Home Rule Municipality, is not.

## **OTHER BUSINESS**

Mrs. Fadem thanked Mr. Fox and staff for providing the initial list of deliverables and target dates for the 2019 Township Initiatives and added that she will distribute them to the other Supervisors. Initiative updates for projects not covered in regular department reports will be provided by Mr. Fox at the first Board meeting of the month in his administrative report.

## **ANNOUNCEMENTS**

Mrs. Fadem read the following announcements:

The following public meetings will be held at the Township Building unless otherwise stated:

- Library Board on Wednesday, February 20, 7 pm at Easttown Library
- Devon Center Task Force on Tuesday, February 26, 7 pm
- Next Board of Supervisors meeting on Monday, March 04, 7 pm

## **ADJOURNMENT**

The meeting adjourned at 08:44 pm.

Respectfully submitted,

Kate Jones  
Assistant Township Secretary