

EASTTOWN TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING MINUTES OF APRIL 01, 2019

The April 01, 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, Assistant Township Manager and Director of Planning and Zoning; Dave Obzud, Police Chief; Don Curley, PE, AICP, Public Works Director; Kate Jones, Administrative Coordinator; and Andrew D. H. Rau, Esquire, Township Solicitor.

CALL TO ORDER

Chair Fadem called the meeting to order at 7:00 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 litigation and real estate.

RECOGNITION OF WASTE MANAGEMENT'S SUPPORT OF THE 2019 STREAM CLEAN UP

Mrs. Fadem introduced Chuck Reidenbach and Patty Barthel of Waste Management and asked Mr. Heppe to recognize their donation to the Township of \$1,000 for the 2019 Stream Clean Up. Mr. Heppe stated his and the Township's appreciation for the donation and thanked Waste Management for its ongoing commitment to the community.

BOARD MOTIONS AND RESOLUTIONS

Consideration to Adopt Ordinance 439-19 for No Parking Sign from Here to Corner on Portion of Berwyn Avenue near Midland Avenue

Chief Obzud updated the Board on this item, which was last before the Board on March 18, 2019. At that meeting, the Board voted to authorize the Township Solicitor to draft and advertise an ordinance for consideration of adoption at this meeting. All requirements have been satisfied.

TO begin the discussion, Mrs. Fadem asked the Board for a motion. Mr. Oram made a motion to adopt Ordinance 439-19 for No Parking Sign from Here to Corner on Portion of Berwyn Avenue near Midland Avenue. Mr. Polites seconded the motion.

Mrs. Fadem opened the floor to the Board. Mr. Oram asked Mr. Rau what the potential effective date will be and Mr. Rau responded that it would take effect five days from the adoption date.

Mrs. Fadem then opened the floor to the public and there were no questions.

Mrs. Fadem called for a vote and the motion passed unanimously.

Consideration to Award Street Paving at the Greens

Mr. Curley updated the Board on this item, which was last before the Board on March 04, 2019. At that meeting, the Board voted to authorize Staff to issue a Request for Proposals (RFP) for 2019 paving projects. Subsequently, the Township issued an RFP for paving at the Greens. The bids were opened on March 26, 2019 and reviewed by the Staff and the Solicitor. It was determined that the low apparent bid is the low responsible bid. Glasgow, Inc. is the low bidder. The price is \$391,090 and it is below the budgeted amount.

To begin the discussion, Mrs. Fadem asked the Board for a motion. Mr. Polites made a motion to authorize staff to execute the agreement for paving the Waynesborough Greens with Glasgow, Inc. for \$391,090. Mr. Heppe seconded the motion.

Mrs. Fadem opened the floor to the Board. Mrs. Fadem asked Mr. Curley for more details regarding the project timeline and the way in which the Township will notify residents. Mr. Curley responded that the paving will most likely take place in June or July and that residents will be notified through both the Township and the development's homeowners association.

Mrs. Fadem then opened the floor to the public and there were no questions.

Mrs. Fadem called for a vote and the motion passed unanimously.

Consideration to Authorize Scope, Budget, Notice, and Schedule for a Walking Path Behind Spring Knoll Pumping Station

Mr. Curley updated the Board to this item. In March 2019, the Board reviewed the conceptual recommendation from the Park and Recreation Board regarding the prospective path behind Spring Knoll Pumping Station. The Board directed Staff to estimate cost and to develop a plan to evaluate, schedule, budget, and implement the concept. Mr. Curley then provided the estimates he had developed base upon this request.

Mrs. Fadem then addressed the members of the audience and explained the process for this proposal. Currently, the Board is being briefed regarding a proposal given by the Park and Recreation Board. The Board is not taking action on this item at this meeting. After discussion by the Board, Staff, and public, this item will go back to the Parks and Recreation Board as an agenda item at its regularly scheduled meeting on April 16. Given the anticipated attendance level, this meeting will be held at Hilltop House. The Park and Recreation Board serves as an advisory committee and any decisions regarding this project must be taken by the Board. There will be several opportunities for members of the public to participate at a public meeting and express their views. She then opened the floor to the Board.

Mr. Polites stated that this project is not part of the adopted 2019 Budget and that, if this proceeds, it would be part of the 2020 budget discussion.

Mr. Heppe encouraged the audience to attend the meeting on April 16.

Mr. Romberger thanked the public for its engagement.

Mrs. Fadem opened the floor to the public.

Sebastian Felsen, of 941 Ethan Allen Road, expressed concern over the safety of adjacent property owners given the increased foot traffic a trail would bring.

Robert Broz, of 1035 Beaumont Road, stated that a putting new trail in close proximity to the existing Hilltop Park trail is fiscally irresponsible and also requested that the Township consider holding a second public meeting of the Park and Recreation Board given that the first falls over the school district's spring break. Mrs. Fadem stated that the Park and Recreation Board would hold its second meeting, if necessary, on its next regularly scheduled meeting on May 22.

Gregory Warner, of 872 Llewelyn Road, expressed a concern over the potential disruption of the natural environment, including the existing woodpeckers and native azalea.

Jeremy Carroll, of 877 Saratoga Road, stated that he lives on a cul-de-sac and that he is concerned about overflowing parking. In addition, he added that there is no easement on his property and he is concerned about people using it to access the trail.

Kathleen Anderson, 933 Ethan Allen Road, sought clarification regarding who is requesting this trail.

Glenn Marshall, of 1006 Gwilym Circle, stated that he likes the current peaceful atmosphere of his neighborhood, that he worries about the spread of tick-borne diseases, and that trees in the preserve may prove dangerous to those using a trail.

Rob Lake, of 876 Saratoga Road, expressed concern over potential vandalism due to additional access.

Rob Zelinsky, of 808 Newtown Road, stated that he is concerned about his privacy and that someone from the Township had delineated a potential trail on his property with string.

Amy Korick, of 1057 Beaumont Road, expressed concern over potential violent and illegal behavior that could occur as a result of this trail. In addition, she added, that people on the trail would be able to see into her home.

Richard Bearinger, of 1105 Waterloo Road, stated that he could not see any positive coming from this trail and that it is fiscally irresponsible.

Meredith Huston, of 919 Ethan Allen Road, stated that she believes a trail would be an attractive nuisance for criminal behavior.

After public comment, Mr. Oram thanked the residents for coming out and told them to reach out to Township staff member Kate Jones if they would like to be added to the email distribution list for updates. Mrs. Fadem then summed up the concerns that the public gave to ensure none were missed and reiterated that the next stop in the process is for the Park and Recreation Board at its meeting on April 16 and potentially at a meeting on May 22. She thanked the public for attending and sharing its views.

Consideration to Adopt Policy 142: Public Comment Participation at Board Meetings

Mrs. Fadem introduced this item to the Board. This draft policy, which addresses public comment participation at Board meetings, has been satisfactorily reviewed by the Policy Committee, Staff, and the Solicitor and is now up for adoption by the Board.

To begin the discussion, Mrs. Fadem asked the Board for a motion. Mr. Heppe made a motion to adopt Policy 142: Public Comment Participation at Board Meetings. Mr. Romberger seconded the motion.

Mrs. Fadem opened the floor to the Board and Mr. Romberger stated that he believed this is an important policy to have in place.

Mrs. Fadem then opened the floor to the public and Louise Story, of 2060 Buttonwood Road, asked if a copy of the draft policy was available online and Mrs. Fadem responded that it was available as part of the online meeting information posted prior to each meeting.

Mrs. Fadem called for a vote and the motion passed unanimously.

Consideration to Authorize Staff to issue an RFP for 2019 Liquid Fuels Fund Street Paving

Mr. Curley introduced the Board to this item. The Township has budgeted \$200,000 and paved around \$200,000 worth of streets in the past few years. Collectively, the cost of the proposed 2019 paving is around \$200,000 and the proposed areas are parts of North Fairfield, Spencer, and Berkley Roads and Maple and Walnut Avenues. The process to select roads starts with identification of potholes, edge deterioration, cracks, and trenches/patches. Next, geographic proximity (roads that are proximate to each other are preferred to roads that are not proximate to each other), value (roads with many residents are preferred to roads with few residents), and timing (roads that are free of prospective development are preferred to roads that are currently part of development) are considered. The anticipated date to award bids is May 06, 2019 and the paving is estimated to take place in June or July of this year.

To begin the discussion, Mrs. Fadem asked the Board for a motion. Mr. Oram made a motion to authorize Staff to issue an RFP for 2019 Liquid Fuels Fund Street Paving. Mr. Polites seconded the motion.

Mrs. Fadem opened the floor to the Board after asking if there are any roads beyond the ones being proposed this year that may paved this year. Mr. Romberger sought clarification regarding the tempo of the annual street paving in the Township, specifically related to the volume completed each year and if it is adequate to remain proactive as opposed to reactive. Lastly, Mr. Polites asked Mr. Curley for more specificity regarding the selection process. Mr. Curley responded that he has developed a model for identifying and selecting the next paving needs and would be most willing to share this with the Board. Mrs. Fadem requested that Mr. Curley provide details regarding this annual paving project as part of the 2020 budget discussion in the fall.

Mrs. Fadem then opened the floor to the public and Ms. Story commented by thanking the Public Works Department for what she has observed over approximately the last six years as an increase in quality of this paving program.

Mrs. Fadem called for a vote and the motion passed unanimously.

Consideration to Authorize Staff to Submit the Revised Pollutant Reduction Plan to DEP

Mr. Curley introduced the Board to this item. The Township's Municipal Separate Storm Sewer System (MS4) permit requires it to have a Pollutant Reduction Plan (PRP) for sediment reduction. In autumn of 2017, the Township submitted its PRP to the Pennsylvania Department of Environmental Protection (DEP). In 2018, DEP indicated that the Township must revise and resubmit the plan. The two principal items that are the source of the requirement for revision and resubmission are as follows: 1) DEP challenged how the baseline was calculated, (it resulted in an increase in the amount of sediment that Easttown must remove); and 2) DEP challenged the reduction specified in some of the projects that the Township identified. DEP' s position made some of the projects not cost effective. It resulted in a need to change the list of projects. If, before submission to the DEP, the Staff determines that the projects are infeasible then it will revise the list and bring the revision before the BOS. If, after submission to the DEP, the Staff determines that the projects are infeasible then the DEP will allow its modification. The system is established to accept change so the recommendation would be for the BOS to direct the Staff to submit the revisions to the PRP as indicated herein.

To begin the discussion, Mrs. Fadem asked the Board for a motion. Mr. Oram made a motion to authorize Staff to submit the Revised Pollutant Reduction Plan to DEP. Mr. Heppel seconded the motion.

Mrs. Fadem opened the floor to the Board after she asked and received an affirmative answer from Mr. Curley regarding if the application is ready for submittal. She also asked Mr. Curley how he intended to notify residents who will be impacted by the proposal. Mr. Curley answered that he will speak to each one individually and that all proposed actions serve as improvements to properties. Mr. Polites requested that Mr. Curley ensure that residents understand that this project is mandated by the state.

Mrs. Fadem then opened the floor to the public and Margaret D'Alesandro, of 610 Clovelly Lane, asked for a list of impacted addresses and Staff responded to her that it is on the Township website and that it will also provide her with a map. Michael Wacey, of 1049 Beaumont Road, sought clarification regarding certain terminology in the application.

Mrs. Fadem called for a vote and the motion passed unanimously.

Consideration to Expand Power Supply Agreement with Constellation

Mr. Curley introduced the Board to this item. Circa 2016, the PECO account for the Daylesford Pumping Station was terminated. That termination removed the account from the list of accounts for which Constellation provides electric power. Accordingly, the Daylesford Pumping Station account has been separate from the Constellation accounts since circa 2016, with the Township purchasing the power directly from PECO. The current agreement with Constellation expires at the end of 2022. Constellation recently agreed to provide the power for the station at the same rate as the rates of the other accounts that the Township has with Constellation and with the same termination dates as the termination dates of the other accounts that the Township has with Constellation. Changing the provider will provide marginal savings. The Township is now paying around \$0.06/KW-hr. The new rate would be around \$0.048/KW-hr. Upon review, there is no reason for the Township to purchase the power for the station from PECO instead of Constellation. If the agreement is executed then the Township would presumably renew the account in 2022 when it renews or renegotiates prices for all of its accounts.

To begin the discussion, Mrs. Fadem asked the Board for a motion. Mr. Heppe made a motion to authorize Staff to expand the power supply agreement with Constellation. Mr. Polites seconded the motion.

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

Mrs. Fadem then opened the floor to the public and there were no comments.

Mrs. Fadem called for a vote and the motion passed unanimously.

DEPARTMENTAL REPORTS

Administration

Mr. Fox outlined the contents of his memo, dated March 29, 2019, including a progress report on the Township's ARLE grant to implement signal timing on Lancaster Road and an update on the partial defeasance of the Municipal Authority's 2011 Bond Series.

Mrs. Fadem opened the floor to the Board after asking Mr. Fox for an update regarding the PECO tree project. Mr. Fox answered that there was no update. There were no further comments from the Board. Mrs. Fadem then opened the floor to the public and there were no comments.

Public Works

Mr. Curley outlined the contents of his memo, dated March 21, 2019, most of which was covered under the Board Motions and Resolutions portion of the agenda.

Mrs. Fadem opened the floor to the Board and Mr. Polites asked Mr. Curley to work with the management of Historic Waynesborough regarding the costs associated with the landscaping. There were no further comments from the Board. Mrs. Fadem then opened the floor to the public and there were no comments.

REGULAR TOWNSHIP BUSINESS

Minutes

To begin the discussion, Mrs. Fadem asked the Board for a motion. Mr. Polites made a motion to approve the Board of Supervisors meeting minutes of March 19, 2018. Mr. Heppe seconded the motion. After making corrections, Mrs. Fadem opened the floor to the Board and there were no comments. Mrs. Fadem then opened the floor to the public and there were no comments. Mrs. Fadem called for a vote and the motion passed unanimously, with her corrections.

Authorize Payment of Bills

To begin the discussion, Mrs. Fadem asked the Board for a motion. Mr. Oram made a motion to authorize payment of the bills totaling \$441,913.42, date ending March 27, 2019. Mr. Heppe seconded the motion. Mrs. Fadem opened the floor to the Board and it questioned the staff on miscellaneous aspects of the bills. Mrs. Fadem then opened the floor to the public and Michael Wacey, of 1049 Beaumont Road, sought clarification regarding legal fees. Mrs. Fadem called for a vote and the motion passed unanimously.

OTHER BUSINESS

Mrs. Fadem asked Mr. Fox how the Township is preparing for the 2020 Census and Mr. Fox responded that Staff has received some data requests sent by the federal government and that this process is complete.

ANNOUNCEMENTS

Mrs. Fadem read the following announcements:

StreamClean19 will be held on the morning of Saturday, April 13 with approximately 100 volunteers picking up manmade waste from four different sites in the Township. Due to the overwhelming response, the Township is no longer seeking volunteers, but thanks residents for the overwhelming commitment to our community.

The Park and Recreation Board will hold its annual Egg Hunt at Johnson Park on Saturday, April 13, 10 am with a rain date of Sunday, April 14, 11 am.

Representative Kristine Howard will be holding a Listening Session for constituents at the Easttown Township Building on Wednesday, April 03 from 6 pm to 8 pm.

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

- Planning Commission on Tuesday, April 02, 7 pm
- Policy Committee on Monday, April 08, 5:30 pm
- Citizens Advisory Committee on Monday, April 08, 6:15 pm
- Municipal Authority on Tuesday, April 09, 7 pm
- Historical Commission on Wednesday, April 10, 7 pm at Easttown Library
- Next Board of Supervisors meeting on Monday, April 15, 7 pm

PUBLIC COMMENT

Mr. Wacey asked the Board if it has heard anything regarding the status of the Paoli Train Station project in Tredyffrin Township and the Board had not. He then asked about the status of the left turn signals to be installed at the intersection of Route 30 and Waterloo Road. Mr. Fox responded that that project is still in process.

ADJOURNMENT

The meeting adjourned at 08:20 pm.

Respectfully submitted,

Kate Jones
Assistant Township Secretary