

Easttown Township

BOARD OF SUPERVISORS **Regular Meeting Minutes** **Monday, July 20, 2020**

The Regular Meeting took place via an Authorized Telecommunication Device (GoToWebinar). Supervisors present included Jim Oram (Chair), Marc Heppe (Vice Chair), Betsy Fadem, Beth D'Antonio, and Michael Wacey. Also attending were Gene Briggs (Interim Township Manager and Zoning Officer) Dave Obzud (Chief of Police), Don Curley (Director of Public Works), Andrew Rau (Township Solicitor), Rob Schnorr (Emergency Management Coordinator), and Bill DeFeo (Finance Director).

1. **Call to Order** – Chairman Oram called the meeting to order at 7 pm.
 - Mr. Heppe led the assembly in the Pledge of Allegiance.
 - Mr. Oram announced that the video and the audio of this meeting is being recorded and made brief remarks regarding the positive response of Easttown's citizens and first responders to COVID.
 - Mr. Oram announced that the Board of Supervisors (BOS) met in executive session on June 17, June 19, June 22, June 29, July 6, July 7, July 17, and July 20 to discuss legal issues and personnel issues.
 - Mrs. D'Antonio updated the assembly on the technology used for the meeting and the method used for communication during the meeting.
2. **Emergency Management Coordinator COVID-19 Update** – Mr. Schnorr summarized the circumstances of the COVID -19 pandemic and the activities (past, present, and future) of the Township's emergency response. The Board, the Staff, and Mr. Schnorr discussed the above-mentioned circumstances and activities. Mr. Oram asked for public comment. Public Comment was provided (via the audio component of the Authorized telecommunication Device) as follows:
 - Mark Ward (208 Dorset Road) inquired about how COVID illnesses are assigned to a County or Township. Mr. Schnorr answered the inquiry.
3. **Board Motions, Presentations, and Resolutions**
 - A. **Appointment of Interim Township Manager, Interim Secretary, Interim Treasurer, and Interim Open Records Officer** – Mr. Oram announced that Dan Fox is on indefinite medical leave. Mr. Heppe made a motion to appoint Gene Briggs as Interim Township Manager, Interim Secretary, Interim Treasurer, and

Interim Open Records Officer. Mrs. D'Antonio seconded the motion. The BOS discussed the situation and the prospective appointments. Mr. Oram asked for public comment. Public comment was provided as follows (via the audio component of the Authorized Telecommunication Device):

- Mark Ward (208 Dorset Road) inquired about oversight of Staff. Mr. Oram answered the inquiry.

Mr. Oram called the vote. The motion passed unanimously.

B. Appointment of Keystone Municipal Services for Interim Zoning Officer

Services – Mr. Briggs summarized the circumstances associated with current staffing situation and the need for the above-mentioned services. Mr. Heppe made a motion to appoint Keystone Municipal Services, Inc. (Ms. Susanna Smith) at the rate specified in the proposal (\$75/hour). Mr. Wacey seconded the motion. The BOS and the Staff discussed the situation. Mr. Oram asked for public comment. Public comment was provided as follows (via the audio component of the Authorized Telecommunication Device):

- Mark Ward (208 Dorset Road) inquired regarding whether RFPs are required when hiring services and professional services and regarding conflicts of interest. Mr. Rau answered his inquiry.
- Myles Vaughan (211 Dorsett Road) inquired regarding the requirements for issuing bids for professional services. Mr. Oram and Mr. Rau answered his inquiry.
- Michael DeFlavia (125 Bartholomew Road) commented upon the prospective benefits of having a conflict of interest policy and of using RFPs to procure professional services. Board members discussed this item.
- Margaret Dalesandro (610 Clovelly Lane) inquired about parameters associated with the length of the interim appointment. Mr. Oram answered the inquiry.

Mr. Oram called the vote. The motion passed unanimously.

C. Agreement for Trash and Recycle Services - Mr. Oram and Mr. Rau summarized the circumstances associated with the existing and prospective services. Mr. Oram asked for a motion. Mrs. Fadem made a motion to execute the agreement with BFI Waste Services of Pennsylvania LLC (subject to the rates in the proposal and terms of the specifications). Mr. Heppe seconded the motion. The Board and the Staff discussed the existing services (thanking Waste Management) and discussed the prospective agreement. Mr. Oram asked for public comment.

- Myles Vaughan (211 Dorsett Road) inquired about cost and technical scope. Mr. Curley answered his inquiry.

Mr. Oram called the vote. The motion passed unanimously to award the solid waste contract to BFI for the period running from October 1, 2020 to September 30, 2025, and subject to Easttown Township's early termination rights per the bid specifications.

D. Fritztown Center Final Subdivision Plan - Mr. Briggs updated the BOS on this item and summarized the key aspects of the plan. The Applicant (Chuck Dobson and Jason Dempsey) reviewed the key elements of the plan. Mr. Oram asked for a motion. Mrs. Fadem made a motion to approve the final plan subject to the following conditions (developed during discussion with the Applicant):

1. The Applicant shall comply with the following Township consultant review letters:

- i. ARRO letter dated June 22, 2020.
 - ii. McMahan Associates, Inc. letter dated June 26, 2020.
2. The Applicant shall comply with Township permitting and development requirements, including but not limited to, execution of final land development agreements and financial security, and permit applications.
3. 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 Applications, including but not limited to legal, engineering, and consulting review fees.
4. The proposed use and development, and intensity thereof, shall be consistent with the testimony and evidence provided at this public meeting and in the Plans.
5. The Applicant agrees to provide a traffic impact contribution of \$20,000, not related to an ordinance requirement, but in light of a voluntary willingness of the Applicant to provide this contribution to support traffic improvement needs in the Township.
6. The Applicant shall comply with all terms and conditions of the Preliminary SLDO Plan Approval Decision by the Board at its May 18, 2020 meeting, and memorialized by my correspondence dated May 19, 2020, attached hereto and incorporated herein by reference. Those terms include but are not limited to the payment of the fee-in-lieu required pursuant to Section 400-58 of the Township Code and, accordingly, rejection of the Applicant's request to treat the fitness center which it will construct within the proposed apartment building as a community facility as required pursuant to that Section. The fee-in-lieu calculation per the Township fee schedule shall be \$2,500 per dwelling unit, times 67 units = \$167,500.

Mr. Heppe seconded the motion. The Board, the Staff, the Solicitor, the Applicant, and the Township's Traffic Engineer (Chris Williams) discussed the Plan. Mr. Oram asked for public comment. Public Comment was provided as follows (via the audio component of the Authorized Telecommunication Device):

- Mark Ward (208 Dorsett) commented upon the benefit of conflict of interest policy and the role of the consultants.
- Cheryl Harper (214 Pheasant Run Drive) commented upon and requested public input regarding elevation drawings, streetscape, and materials of the project. The applicant discussed this item.
- Michael DeFlavia (125 Bartholomew Road) commented upon the general process and the specific issue of building height. The BOS discussed this item.
- Myles Vaughan (211 Dorsett Road) inquired about height requirements. Staff answered the inquiry.

Mr. Oram called the vote. The motion passed three votes in favor (AYE) and two votes opposed (NAY); with Mr. Wacey and Mrs. D'Antonio voting NAY.

4. Departmental Reports

- A. Manager's Report - Mr. Briggs outlined the key elements of the Manager's report. The Board and the Staff discussed the report. Mr. Oram called for public comment. No one from the public commented.
- B. Finance Report – Mr. DeFeo outlined the key elements of his report. The Board and the Staff discussed the report. Mr. Oram called for public comment. No one from the public commented.
- C. Police Report – Chief Obzud outlined the key elements of his report. The Board and the Staff discussed the report. Mr. Oram called for public comment. Public comment was provided as follows (via the audio component of the Authorized Telecommunication Device):
 - Mark Ward (208 Dorsett) inquired about removal of temporary “No Parking” signs near the Devon Horse Show. Chief Obzud answered his inquiry.
 - Michael DeFlavia (125 Bartholomew Road) commented upon the fine performance of the Easttown Police Department.
 - Mike Diandrea (131 Bartholomew Road) inquired about the roles of part-time officers and full-time officers. Mr. Oram answered his inquiry.
- D. Public Work's Report – Mr. Curley outlined the key elements of his report. The Board and the Staff discussed the report. Mr. Oram called for public comment. No one from the public commented.
- E. Planning and Zoning – Mr. Briggs outlined the key elements of his reports. The Board and the Staff discussed the reports. Mr. Oram called for public comment. Public comment was provided as follows (via the audio component of the Authorized Telecommunication Device):
 - Joe Kohn (240 Sugartown Road) inquired about the application for the Berwyn Square project. Staff answered the inquiry.
 - Michael DeFlavia (125 Bartholomew Road) inquired about the application for the Berwyn Square project. Staff answered the inquiry.
 - Mark Ward (208 Dorsett Road) inquired about the deed history and how that deed history may affect the use of a specific property. Mr. Rau, Mr. Briggs, and Mr. Oram answered the inquiry.
 - Joe Kohn (240 Sugartown Road) commented upon procedural, legal, and technical aspects of the Devon Center Master Plan and Rezoning project.
 - Mark Ward (208 Dorsett Road) commented upon the importance and benefit of public input in the planning and zoning process.
 - Myles Vaughan (211 Dorsett Road) inquired about the prospective scheduling of a determination regarding the Devon Center Master Plan and Rezoning and commented upon procedural aspects of the planning and zoning process.

5. Regular Township Business

- A. **Minutes from the June 15, 2020 Regular Meeting** – Mr. Oram asked for a motion. Mrs. Fadem made a motion to approve the minutes. Mr. Wacey seconded the motion. The Chair asked the Board if it had comments or edits for the minutes. Mrs. Fadem identified a handful of minor edits. It was agreed by unanimous consent to include those edits. Mr. Oram called for a vote. The motion passed unanimously.
- B. **Payment of Bills: \$349,148.81; a Total Warrants (\$187,237.70) and Payroll (\$161,911.11), date ending July 6, 2020** - Mr. Oram asked for a motion. Mrs. D’Antonio made a motion to approve the bills. Mrs. Fadem seconded the motion. Mr. Oram asked for comments or questions from the Board. The Board discussed the bills (page by page) and questioned the Staff about specific expenditures. Mr. Oram called for public comment. No one from the public commented. Mr. Oram called for a vote. The motion passed unanimously.
- C. **Payment of Bills: \$639,260.99; a Total Warrants (\$483,669.27) and Payroll (\$155,591.72), date ending July 20, 2020** - Mr. Oram asked for a motion. Mrs. Fadem made a motion to approve the bills. Mr. Heppe seconded the motion. Mr. Oram asked for comments or questions from the Board. The Board discussed the bills (page by page) and questioned the Staff about specific expenditures. Mr. Oram called for public comment. No one from the public commented. Mr. Oram called for a vote. The motion passed unanimously.

6. Board of Supervisor Liaison Reports

- A. Fire/EMS - Mrs. Fadem and Mr. Heppe updated the BOS on items associated with recent virtual Fire/EMS meetings.
- B. Historic Commission – Mr. Oram updated the BOS on items associated with the Historic Commission.
- C. Library Board – Mr. Heppe updated the BOS on items involving the Library.
- D. Municipal Authority – Mrs. D’Antonio updated the BOS on the items involving the recent virtual EMA meeting.
- E. Park & Recreation Board – Mr. Wacey updated the BOS on items involving the recent virtual meeting of the Park & Recreation Board.
- F. Planning Commission – Nothing was reported.
- G. Policy Committee - Mrs. Fadem updated the BOS on items associated with Policy Committee.
- H. Police Department - Mr. Wacey updated the BOS on items involving police training for “de-escalation.”

7. Other Business

- A. Environmental Advisory Council - Mr. Wacey updated the assembly on the prospective benefits and prospective roles of an Environmental Advisory Council. The Board discussed the item (including the distinction between Council” and Commission”).

8. Announcements

Mr. Oram announced:

- The County initiated the “Green Phase” of Covid response, that the Township building is open to the public by appointment, and that the Township parks remain open while the restrooms in the parks remain closed.
- The schedule of (virtual) Township meetings for the next month.

9. Public Comment

Mr. Oram asked for public comment. Public comment was provided as follows (via the audio component of the Authorized Telecommunication Device);

- Alessandra Nicholas (320 Berkley Road) inquired about training for Staff regarding systemic racism and about minority representation on advisory boards and on the Staff. Mr. Oram answered the inquiry.
- Michael DeFlavia (125 Bartholomew Road) inquired about having an offline discussion. Mr. Heppe answered his inquiry.

10. Adjournment

The meeting adjourned by unanimous consent at around 1100 PM.

Submitted by,
Don Curley