



BOARD OF SUPERVISORS

Regular Meeting Minutes

Monday, October 19, 2020

The Regular Meeting took place via an Authorized Telecommunication Device (GoToWebinar). Supervisors present included Jim Oram (Chair), Marc Heppe (Vice Chair), Betsy Fadem, Michael Wacey, and Beth D'Antonio. Also attending were Eugene Briggs (Interim Township Manager), David Obzud (Chief of Police), Don Curley (Director of Public Works), Bill DeFeo (Finance Director), Sharon Norris (Administrative Assistant to the Township Manager), Brady Flaharty (Township Engineer), and Andrew Rau (Township Solicitor).

1. **Call to Order** – Chairman Oram called the meeting to order at 7:00 PM.

- Mr. Oram announced that this meeting is being recorded and made brief remarks regarding the positive response of Easttown's citizens and first responders to COVID-19.
- Mr. Heppe led the assembly in the Pledge of Allegiance.
- Mr. Oram announced that the Board of Supervisors met in executive session on October 06, 2020, to discuss legal issues and personnel issues.
- Mr. Oram announced that two items are being removed from tonight's agenda. They are: Item 2D "Consideration to Advertise the Environmental Advisory Council Ordinance" and Item 2E "Consideration to Advertise the Easttown Citizens Advisory Committee Ordinance to Stagger Member Term Limits."

2. **Board Motions, Presentations, and Resolutions**

A. Motion to Approve Release Agreement with Former Administrative Employee – Mr. Rau explained this item is a Release Agreement for a former administrative employee to finalize wage and benefit matters. Mr. Oram called for a motion. Mrs. Fadem made a motion to approve the Release Agreement with the former administrative employee and the motion was seconded by Mr. Heppe. Mr. Oram called for the vote. The motion passed unanimously.

B. Consideration of Sewage Facilities Planning Module Resolution 2020-16 for SD 528 601/631 Lancaster Avenue – Mr. Flaharty explained that this Final Subdivision and Land Development Plan application was conditionally approved by the Board of Supervisors on July 20, 2020. One of the conditions of approval is that the applicant obtain approval from the Department of Environmental Protection for the Sewage Facilities Planning Module, which is the last step in that

process. Mr. Flaharty has reviewed the Planning Module and recommended that the Board of Supervisors approve Resolution 2020-16. Mr. Oram called for a motion. Mrs. Fadem made a motion that the Board adopt Resolution 2020-16 for Plan Revision for New Land Development and authorize the Township Manager to sign the Resolution 2020-16, Transmittal Letter, Mailer Checklist and Component 3 Checklist and for the Township seal to be affixed to Resolution 2020-16. The motion was seconded by Mrs. D'Antonio. In response to a comment from the Board, Mr. Flaharty explained that although the Department of Environmental Protection form is named "Resolution for Plan Revision," this is not a revision to the Township's Act 537 Plan. It is consistent with that Plan. Mr. Oram called for public comment and there was none. Mr. Oram called for the vote. The motion passed unanimously.

C. Consideration to Proceed with the Planning Commission's Multifamily Dwelling Amendment for the Village Business Zoning District – Planning Commissioner, Ann Rothmann, summarized the amendment, which was recommended by the Planning Commission at its October 06, 2020 meeting. The draft amendment is to Section 455-21.A(5) to encourage non-residential use at the street level of multifamily buildings along Lancaster Avenue within the Village Business Zoning District. If approved, the amendment will encourage a more vibrant pedestrian experience along Lancaster Avenue within the Village of Berwyn. Mr. Oram called for a motion. Mr. Wacey made a motion to authorize the staff to proceed with the adoption process for the proposed code amendment. The motion was seconded by Mrs. D'Antonio. Discussion included parking, ensuring retail on the first floor, and whether this amendment will achieve its true intent. Mr. Rau suggested referring the Ordinance to the Chester County Planning Commission for a 30-day review. There would be no requirement for Board action by doing this. Mr. Briggs offered to initiate an informal review with the Chester County Planning Commission and give them some background on what the Township is trying to achieve. He recommended tabling the issue now and bringing it back to the Planning Commission once feedback has been received. The Board wants to ensure that any unintended consequences are avoided. Ms. Rothman will look at zoning ordinances in similar communities and consider those requirements. Additional discussion included how the Zoning Hearing Board process works. Consensus from the Board was to table this until Mr. Briggs gets the informal review from the County. Mr. Oram called for public comment. Mr. Michael DeFlavia, 125 Bartholomew Road, had comments regarding the Municipal Planning Code and the zoning ordinance.

D. Consideration of Refinancing Existing Easttown Municipal Authority Bonds and Issuing New Bonds – Mr. Curley provided background information on this topic and summarized the Municipal Authority's recommendation to combine refinancing of its existing debt with issuing new bonds for 3 projects identified in the Capital Plan. They are: the Berwyn Pump Station Force Main replacement from Berwyn Pump Station to Potter Avenue, enhanced Inflow and Infiltration Intervention, and the Dorset Road Sewer Replacement. He also discussed the debt service options and the Municipal Authority's recommendation to increase the sewer fee in 2021. Mr. Michael Wolf, Managing Director of Boenning & Scattergood Financial, was in attendance to explain the refinancing and refunding

processes. Mr. Oram called for a motion to consider the recommendation from the Easttown Municipal Authority to refinance the Easttown Authority Municipal bond, issue new bonds, and raise the sewer rate. The motion was made by Mrs. D'Antonio and seconded by Mr. Oram. The next step in this process is for the Municipal Authority to pass a Parameters Resolution to initiate the borrowing process. Once enacted, the Board of Supervisors would consider voting on a guarantee ordinance to assure the lowest possible rates at its November 16, 2020 meeting. Mrs. Fadem opined that now is a good time financially to borrow the money and she supports the motion. She suggested that the Township examine the sewer's financial projections next year. Mr. Oram called for a vote. The motion carried 4-1 with Mr. Wacey voting nay. Mr. Oram called for public comment and there was none.

E. Consideration of Board of Supervisors Operating Policy #140 – Board of Supervisors Meeting Agendas – Mrs. Fadem summarized the revisions to this Policy. Mr. Oram called for a motion to approve revisions to the Operating Policy #140 entitled “Board of Supervisors Meeting Agenda.” Mr. Wacey made the motion and Mrs. Fadem seconded it. Mrs. D'Antonio suggested revisions including allowing flexibility with the agenda template, the process for getting items on to the agenda, and removing the word preferably. The motion was tabled and Mrs. Fadem will bring the suggestions back to the Policy Committee for review.

3. Departmental Reports

A. Financial Report – Mr. DeFeo outlined the key elements of his report. The BOS and the Staff discussed some of these elements. Mr. DeFeo updated the Board that the Library's COVID-19 expenses will be included with the Township's COVID-19-related expenses when the Township submits this information to the Pennsylvania Emergency Management Agency and the Federal Emergency Management Agency at the appropriate time for possible reimbursement. Mr. Oram called for public comment and there was none.

B. Police Report – Chief Obzud outlined the key elements of his report. The BOS and the Staff discussed some of these elements. Mr. Oram called for public comment and there was none.

C. Planning and Zoning Report – Mr. Briggs outlined the key elements of his report. The BOS and the Staff discussed some of these elements. Mr. Oram called for public comment and there was none.

4. Regular Township Business

- A. Consideration of the October 05, 2020, Regular Meeting Minutes** – Mr. Oram called for a motion. Mr. Heppe made a motion to approve the October 05, 2020, Regular Meeting Minutes and Mr. Wacey seconded the motion. Mr. Oram asked if the Board had any comments or edits to the minutes. Mrs. Fadem and Mrs. D’Antonio had several suggested edits. These edits included clarifying that the Halloween information on the Township website was provided by the Chester County Health Department, changing the word “reappointment” to “appointment,” and change the word “consensus” to “majority.” Mr. Oram called for a vote to approve the minutes as edited. The motion passed unanimously.
- B. Authorize the Payment of Bills: \$1,484,847.59; a Total Warrants (\$1,329,781.40) and October 02, 2020, Payroll (\$155,066.19) date ending October 19, 2020** – Mr. Briggs made an announcement that check numbers 29107 and 8631 would be pulled from this bill run. Mr. Heppe called for a motion to approve the bills with the following amounts: Payment of Bills: \$1,483,019.74; a Total Warrants: (\$1,327,953.55). Mrs. Fadem made the motion. Mrs. D’Antonio seconded the motion. The Board of Supervisors discussed the bills and questioned the Staff about specific expenditures. Mr. Heppe called for public comment and there was none. Mr. Heppe called for a vote. The motion passed unanimously.

5. Board of Supervisors Liaison Report

- A. Policy Committee** – Mrs. Fadem updated the Board of Supervisors on the policies that will be discussed at the upcoming October 26, 2020 meeting.
- B. Planning Commission** – Mr. Heppe and Mrs. Fadem had no update after Mr. Briggs’ report earlier in the meeting.
- C. Easttown Citizens Advisory Committee** – The Committee, along with the Township Staff, is working on space needs for the Township, and a project meeting is scheduled for October 06, 2020. They are looking to the Board of Supervisors for other projects to consider.
- D. Historical Commission** – Mr. Oram updated the Board of Supervisors on the activities of this Commission including working on potential zoning code amendments, historical communications protocol, draft criteria for historical property listings, and a communications plan.
- E. Municipal Authority** – Mrs. D’Antonio updated the Board of Supervisors on the activities of this Authority, which included discussion of the 10-year Capital Projects and bond refinancing.
- F. Police Department** – Mr. Wacey updated the Board of Supervisors on the activities of the Police Department. Police training is going very well. Budget planning for next year includes replacing part-time officers with full-time officers. Vehicle replacements have been completed.
- G. Fire/Emergency Medical Services** – Mr. Heppe and Mrs. Fadem noted that the Fire Companies are busy protecting the citizens of our communities. Mr. Baskin from the Berwyn Fire Company noted that they will be celebrating Halloween with the community by driving around and throwing candy from the trucks. Mrs. Fadem

announced that the next meeting is scheduled for Wednesday, October 21, 2020, and at that time, the 2021 budgets will be discussed.

6. Other Business

A. Township Volunteer Appointments – Mrs. D’Antonio would like to revisit Board of Supervisors Policy 111, which addresses the process for appointing volunteers to Township Authorities, Boards and Commissions. Discussion included potential consequences of not following the Policy as written, the reappointment process, and the intent of this Policy. The Policy Committee will review Policy 111 and bring it back to the Board for consideration. The Board of Supervisors will let volunteers know that beginning next year, the Board is going to revisit the reappointment process that is currently in place. For this year, three (3) of the Board members are in concurrence with moving forward as has been done in the past, and alerting the current volunteers that there will be a new reappointment process in place when their terms are up. Mr. Oram asked for public comment and there was none. The Supervisors will discuss reappointments and vacancies at its upcoming Board of Supervisors meeting.

7. Announcements

The Township building is open weekdays to the general public by appointment only and exclusively accommodates access by high risk members of the public between the hours of 8:00 AM and 9:00 AM.

The following virtual meetings are scheduled:

- Parks and Recreation Board, October 20, 2020 at 7:00 PM
- Library Board, October 21, 2020 at 7:00 PM
- Policy Committee, October 26, 2020 at 6:30 PM
- Planning Commission Special Meeting, Devon Center Zoning Amendments, October 27, 2020 at 7:00 PM
- Board of Supervisors, November 02, 2020 at 7:00 PM

Please visit the Township website at www.easttown.org to find information on how to view and participate in each of the meetings.

We also encourage you to visit the website for up to date information on all Township activities and enroll in our email distribution list by emailing easttown@easttown.org.

8. Public Comment

Mr. Oram called for public comment. Mr. Scott Emerson from Bentley Homes had comments regarding its desire to install sidewalks along the proposed Prescott Road extension and get a refund of the fee-in-lieu that was previously paid when sidewalks were not a component of this project.

9. Adjournment

The meeting adjourned by unanimous consent at 10:16 PM.

Respectfully submitted,

Sharon Norris
Administrative Assistant to the Township Manager