

## **EASTTOWN TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING MINUTES OF MARCH 7, 2016**

The March 7, 2016 Business Meeting took place in the Township meeting room at 566 Beaumont Road, Devon and was called to order at 7:00 pm. Supervisors present included: Christopher D. Polites, Chairman; James W. Oram, Jr., Vice Chairman; Marc J. Heppe, and Betsy Fadem. Also attending were Dan Fox, Township Manager; Eugene C. Briggs, Jr. AICP, Assistant Township Manager; Dave Obzud, Police Chief; Kate Jones, Administrative Coordinator; Kevin McAghon, Township Engineer; and Andrew D. H. Rau, Esquire, Township Solicitor.

### **MINUTES**

On motion by Mrs. Fadem, and seconded by Mr. Heppe, the minutes of the regular business meeting of February 16, 2016 were unanimously approved.

### **ANNOUNCEMENTS**

Chairman Polites announced that the Board met in executive session prior to the meeting to discuss legal and personnel matters.

The following public meetings will be held at the Township Building: Municipal Authority on Tuesday, March 8, 7 pm; Citizens Advisory Committee on Monday, March 14, 6:15 pm; Parks and Recreation on Tuesday, March 15, 7 pm; and the next Board of Supervisors meeting on Monday, March 21, 7 pm.

The following public meetings will be held at the Easttown Library (720 First Ave, Berwyn): Historical Commission on Wednesday, March 9, 7 pm and Library Board on Wednesday, March 16, 7 pm.

For more information about any of these announcements, please visit [www.easttown.org](http://www.easttown.org).

In addition, the Annual Easttown Egg Hunt will take on Saturday, March 19 at 11 am at Johnson Park, 122 Bridge Ave, Berwyn.

### **LIST OF BILLS**

On motion by Mr. Oram, seconded by Mr. Heppe, the Board unanimously approved payment of \$620,905.89, a total of Warrants (\$508,853.54) and Payroll (\$112,052.35), date ending March 4, 2016.

### **SUPERVISOR LIAISON REPORTS**

Mrs. Fadem and Mr. Hepe attended the Planning Commission meeting on March 1, 2016 and the business items will be discussed as New Business items during this meeting. Mrs. Fadem also mentioned that she and Mr. Polites will attend the Chester County Association of Township Officials annual conference on March 10, 2016.

Mr. Polites told the Board that he and Mr. Fox attended the Library Board meeting on February 17, 2016, and that, because of the recommendation of a citizen who had attended a previous meeting and made the suggestion, that the Board considered and adopted a plan to reroute the Easttown Public Library's parking lot. In the spring, the entrance and exits of the lots will be switched to improve flow and alleviate congestion on First Avenue.

## **DEPARTMENTAL REPORTS**

Mr. Fox updated the Board on administrative projects. He noted that the included vehicle inventory list was a blue print for the five year vehicle replacement capital plan and thanked Chief Obzud and Mr. Bernhard for their contributions to the list.

## **NEW BUSINESS**

### **228 Chester Road; Stormwater Infiltration Waiver**

Mr. Briggs introduced the Board to this project. The Applicant and property owner, Greg Garabedian, was in attendance. On February 22, 2016, the Applicant submitted a waiver request from Section 388-18 of the Code of the Township of Easttown to allow relief from the infiltration requirements due to poor soil and groundwater conditions at 228 Chester Road. Compliance with Section 388-18 is required through the Drainage Permit approval process. In lieu of infiltrating stormwater as required, the Applicant proposes a bioretention basin that is found to be acceptable by Kevin McAghon, Township Engineer.

On motion by Mrs. Fadem, seconded by Mr. Oram, the Board unanimously approved the requested waiver from Section 388-18 of the Township Code to allow relief from the infiltration requirements for 228 Chester Road.

### **259 Foxall Lane; Class One Historic Resource Partial Demolition Permit**

Mr. Briggs introduced this project to the Board. On February 5, 2016, the Property Owner submitted a Zoning Permit Application to demolish portions of the existing residence to construct a second floor over the garage and other minor facade changes. Map 6 of the 2001 Easttown Township Comprehensive Plan identifies a Class 1 Historic Resource at 259 Foxall Lane. Per Section 455-44.C.(1), "No Class 1 or Class 2 historic resource shall be demolished, in whole or in part, whether deliberately or by neglect, including

removal or stripping of any historically or architecturally significant exterior features, unless a permit is obtained from the Zoning Officer.”

By practice, the Zoning Permit Application for demolition of a Class 1 Historic Resource is first submitted to the Historical Commission for review and recommendation, before by Code, it goes to the Planning Commission for review and recommendation before it goes to the Board of Supervisors for a final decision. The Historical Commission reviewed the Application for partial demolition of the Class 1 Historic Resource on February 10, 2016 and recommended approval of the project. The Planning Commission reviewed the Application on March 1, 2016 and recommended that the Board consider approving the partial demolition of this Class 1 Historical Resource.

Mr. Oram praised the Applicant for submitting an application that suits the character of the existing home.

On motion by Mr. Oram, seconded by Mr. Heppe, the Board unanimously approved the partial demolition of the Class 1 Historical Resource at 259 Foxall Lane.

#### **Ordinance 2016-426; Cable Franchise Agreement**

Mr. Rau updated this item to the Board. The Franchise Agreement has been finalized after negotiation with Comcast of Pennsylvania, LLC and adopting an ordinance, authorizing the Township to enter into this agreement, is the final step in the process.

On a motion made Ms. Fadem, and seconded by Mr. Oram, the Board unanimously adopted Ordinance 2016-426, authorizing the entering into a cable franchise agreement granting a nonexclusive franchise to Comcast of Pennsylvania, LLC to construct, install, maintain, extend, and operate a cable communications system in the Township.

Mrs. Fadem requested that Township staff follow up with resident Michael Baskin to advise him the outcome of the discussions with Comcast concerning comments that he made at the Board of Supervisors meeting on February 16, 2016 regarding the public channels and future technical supports.

#### **Resolution 2016-10; Act 44 Compliance**

Mr. Fox introduced this item to the Board. This resolution formally acknowledges that Easttown Township will comply with the applicable provisions of Act 44 and amendments thereto. While the Township has abided by the Act since its inception, it was requested by the State Auditor that a formal resolution be adopted to that effect.

On a motion made Mr. Heppe, and seconded by Mr. Oram, the Board unanimously adopted Resolution 2016-10, regarding compliance with the applicable provisions of Act 44 of 2009 and amendments thereto.

## **Personnel Manual**

Mr. Fox updated the Board on this item. The process by Township Staff and appropriate legal counsel to develop and refine the Township's Personnel Manual is complete, and it is ready for Board review. Mr. Fox requested that the Board review the manual and provide comments to Staff prior the Manual being considered for adoption via resolution at a future Board meeting.

## **OLD BUSINESS**

Mr. Polites thanks staff for its work on a Township map to be included in an upcoming INCommunity magazine as information for residents.

## **PUBLIC FORUM**

Joseph Kohn, Esq., of 240 Sugartown Road, spoke on behalf of himself and the residents he represents and noted sites he considered to be in violation of the Township's property maintenance and/or zoning use code and requested Township investigation based off of his and his clients' observations:

- The eastside of the Waterloo Devon Property is being used to store automobiles for the Mercedes Benz Dealership and also as a site of automobile repair and detailing.
- The old gas station property and its fencing adjacent to the Waterloo Devon property need to be better maintained per Township code.
- The Fritz Lumber Yard property needs to be better maintained per Township code.

Township staff advised that they would investigate these matters.

Stephanie Thibault, of 23 Old Lancaster Avenue, suggested that the Township employ better and earlier notification of trash pick interruptions due to snow storms.

James Jennings, of 212 Dorset Road, expressed concern regarding the new construction of a free-standing restaurant in the Berwyn Shopping Center, especially as it pertains to sight distances at that end of the parking lot. Mr. Briggs answered that there are improvements as part of the approved land development plan that will address existing problems with the site.

Donald Clarke, of 356 Berkeley Road, had two points. First, he warned the audience of the dangers of black ice, having just slipped on it himself and broken his leg. Second, he stated that we was against the

proposed Devon Center Overlay Ordinance and requested that the Township keep Devon like it was when he moved there in 1965.

Andrew Leone, of 138 Berkley Road, expressed concern of the speeds maintained by people test driving automobiles from nearby dealerships in his neighborhood.

Joseph Durante, of 580 Kromer Avenue, requested that the Township look into a sign placed on Old Lancaster Ave for pedestrian crossing at an area with no crosswalk due to safety concerns.

## **ADJOURNMENT**

The meeting adjourned at 7:56 pm.

Respectfully submitted,

Kate Jones  
Assistant Township Secretary