

EASTTOWN TOWNSHIP BOARD OF SUPERVISORS BUSINESS MEETING MINUTES OF SEPTEMBER 19, 2016

The September 19, 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; Marc J. Heppe, Betsy Fadem, and Fred Pioggia. Also attending were Dan Fox, Township Manager; Dave Obzud, Police Chief; Eugene C. Briggs, Jr., AICP; Karen Wertz, Finance Director; Kate Jones, Administrative Coordinator; Brady Flaharty, PE, Municipal Authority Engineer, Kevin McAghon, Township Engineer, and Andrew D. H. Rau, Esquire, Township Solicitor.

MINUTES

On motion by Mr. Pioggia, and seconded by Mr. Heppe, the minutes of the regular business meeting of September 6, 2016 were unanimously approved with two corrections made by Mrs. Fadem.

ANNOUNCEMENTS

The following public meetings will take place at the Township Building unless otherwise stated:

- Library Board on Wednesday, September 21, 7 pm at the Easttown Library
- Comprehensive Plan Task Force Meeting on Monday, September 26, 6:30 pm
- Next Board of Supervisors meeting on Monday, October 3, 7 pm
- The Parks and Recreation Board meeting on September 20 has been postponed. New date to be determined.

The Berwyn Fire Company will host its annual Fire Prevention Day on Saturday, October 8 from 3 - 5 pm next to the Easttown Public Library.

LIST OF BILLS

Mr. Heppe requested that staff distinguish between reimbursable and non-reimbursable consultant fees. Mr. Rau added that his firm would provide an itemized year-to-date list in December.

Mrs. Fadem asked staff what its alternatives for gas services are now that Mack Oil is closing. Staff is doing an analysis. She also asked for clarification regarding the categorization of capital versus general expenses, specifically as it pertains recent tree work that was completed at Canterbury Basin. Ms. Wertz responded that the minimum threshold for capital work is \$5,000.00 for an entire project but that individual pieces of the project will still be billed as capital expenses.

On motion by Mrs. Fadem seconded by Mr. Heppe, the Board unanimously approved the payment of \$293,397.11, a total of Warrants (\$176,495.76) and Payroll (\$116,901.35), date ending September 16, 2016.

SUPERVISOR LIAISON REPORTS

Mrs. Fadem and Mr. Heppe updated the Board on their ongoing discussions with the TE Fire Companies Funding Coalition. The meeting focused on EMS services for the Township, and how the Companies lose approximately \$200.00 per call.

Mr. Heppe also addressed the recent car break-ins that occurred in Berwyn. He thanked the police department for its quick recovery of items and one stolen car and subsequent arrests and reminded citizens to lock their car doors.

Mr. Pioggia stated the annual Taste of Berwyn event, held on September 18, was very well attended and successful. He added that PennDOT has paved Waterloo Road and that the recent Hilltop House painting has been completed and under budget.

Mrs. Fadem updated the Board regarding the Easttown Citizens Advisory Committee meeting on September 12, 2016. The Committee continued to discuss the next steps for Phase 2 of the Hilltop House Project. The monies for the capital improvements for Phase 2 need to be presented and discussed at the upcoming Township budget meeting. Additionally it was reported that Chris Polites and Fred Pioggia will spearhead the effort to define the roles and responsibilities of all groups involved. The ECAC members also discussed the elements of township operation and the township finance that are important to report each month for the Supervisors and the information that is important to inform the community on a quarterly and annual basis.

DEPARTMENTAL REPORTS

Ms. Wertz presented the financial report, including discussions regarding the Township's financial software MUNIS and the 2015 Township and Municipal Authority Audits. Mrs. Fadem requested templates for both the year-to-date and the budget format. Ms. Wertz noted that she is interviewing the finance department staff to better understand their roles and responsibilities and Mrs. Fadem requested that she document this information so that the township has a written record of the functions performed. Mrs. Fadem also requested that when Ms. Wertz presents next month's bills that an analysis be a part of her report.

Mr. Briggs updated the board on planning and zoning related items. The land development application for 4 Midland Avenue is before the board tonight as business item for preliminary land development. There are currently two sketch plans being reviewed, including the Maserati Dealership at 311 Lancaster Avenue and the proposed residential plan for the Mack Oil property. There is a subdivision application for Trinity House, 15 Leopard Road, which is currently on hold while the applicant appeals the Zoning Officer's determination to the Zoning Hearing Board. There is an additional Zoning Hearing Board application for 251 Foxall Lane, where the Applicant seeks variances for pool construction.

Chief Obzud reviewed police related matters including the Traffic Officer's recent study concerning the intersection of Woodside and Berwyn Avenues. Given his observations, the Officer recommends a full engineering study at an expense of approximately \$2,500.00.

NEW BUSINESS

Act 537 Supplement for Wilson Road Force Main, Tredyffrin Township

Mr. Flaharty introduced this project to the Board. The bulk of Easttown's public sewer flows through Tredyffrin Township to the Valley Forge Sewer Authority (VFSA) Wastewater Treatment Plant (WWTP). There are four main parts to the public sewer system downstream of Easttown, which in order from upstream to downstream, are as follows:

- Part 1: Valley Creek Trunk Sewer gravity sewer system (VCTS)
- Part 2: Wilson Road Pump Station (WRPS)
- Part 3: Wilson Road Force Main (WRFM)
- Part 4: VFSA WWTP

Act 537 sewage facilities planning was previously completed and approved for the VFSA WWTP (Part 4) circa 2006. For reasons unknown, the Pennsylvania Department of Environmental Protection (PADEP) allowed Act 537 planning for Tredyffrin's components (Parts 1, 2 and 3) to be prepared separately, as opposed to a single document. Act 537 sewage facilities planning for the WRPS (Part 2) and VCTS (Part 1) was completed and circa 2008 and 2010, respectively. The 2010 VCTS Act 537 Plan deferred planning for the WRFM (Part 3) to year 2025, approximately, based on existing capacity and then-current flow projections.

Leaks in the WRFM that occurred with the past 2-3 years moved the timeframe for WRFM planning forward to the present per PADEP consent order and decree. The Act 537 Supplement for WRFM (Part 3) that the Township has been asked to review and comment on is a supplement to the 2010 VCTS Act 537 Plan (Part 1), which was consistent from a planning and capacity standpoint with the VFSA WWTP (Part 4) and WRPS (Part 2) Act 537 Plans. The Township previously reviewed and had the opportunity to comment on Parts 1, 2 and 4 of the sewer system, which encapsulate WRFM (Part 3).

ARRO has reviewed this supplement and recommends no comments at this time.

The Township's Act 537 Plan Supplement Resolution will be on the October 3, 2016 Board meeting agenda for consideration of approval.

On a motion made by Mr. Polites and seconded by Mr. Heppie, the Board unanimously made a motion that staff prepare a letter on Easttown Township letterhead for the signature by the Township Manager stating that the Easttown Township Board of Supervisors has no comment on the Act 537 Supplement for Wilson Road Force Main prepared for Tredyffrin Township by CH2M dated July 2016, and that said letter be signed and submitted to Stephen Burgo, P.E., Tredyffrin Township Engineer, prior to the September 26, 2016 deadline for municipal partner comments.

2017 Minimum Municipal Obligation (MMO)

Mr. Fox stated that it is a legal requirement to present and certify the 2017 pension plan contributions to the Board of Supervisors. No further action is required.

LD 109; 4 Midland Avenue – Preliminary Land Development Approval & Extension Agreement #3

Mr. Briggs updated the Board on this application. The Land Development Plan proposes the demolition of a commercial building for the construction of three apartment buildings with a total of eighteen condominium dwelling units. The Planning Commission formally reviewed this proposal on April 5, 2016, June 7, 2016, and September 7, 2016.

On September 7, 2016, the Commission recommended that the Board of Supervisors considers approving the Plan as a Preliminary Plan subject to conditions listed in its September 13, 2016 letter prepared by Buckley Brion McGuire & Morris LLP. The recommended conditions of approval are for the Applicant to:

1. Comply with the outstanding comments in the following review letters:
 - McMahon Associates, Inc. letter dated August 18, 2016;
 - ARRO Consulting, Inc. letter dated August 18, 2016;
 - Zoning Officer Memorandum dated September 1, 2016;
 - Glackin Thomas Panzak, Inc. letter dated August 18, 2016; and
 - Berwyn Fire Company Memorandum dated August 31, 2016.
2. Include a restriction in the Condominium Declaration that prohibits parking in Court A or Court B.
3. Add a note to the Plan that includes a restrictive covenant that prohibits parking in Court A or Court B and provides the Township with the legal authority to enforce such restriction.
4. Submit architectural drawings for each of the three buildings which depict the building elevations from all four sides. Such architectural drawings must demonstrate compliance with the maximum building height of three stories or 42 feet, whichever is lower.

5. Extend the sidewalk along Berwyn Avenue to Woodside Avenue and install two handicap ramps at this intersection.
6. Satisfy the requirements in Section 400-25.D.(5) and 400-58.C or pay a fee-in-lieu of open space, if determined necessary by the Board. Should the Board determine that the fee-in-lieu of is acceptable, then the Planning Commission supports the Board providing a credit towards the fee-in-lieu of to the Applicant for the additional cost to extend the sidewalk along Berwyn Avenue past the property boundaries; however, the specific amount of the fee should be based upon the formula outlined in Section 400-58.C and found to be acceptable by the Board.

If approved the Applicant will still have to go through the Final Land Development process.

George Broseman, Esq. was in attendance to represent the Applicant.

Mrs. Fadem asked the Applicant for clarification of the number of stories she would be able to count standing in the proposed courtyard. A conversation regarding the actual number of stories of the proposed structures, three or four, ensued without resolution. Mrs. Fadem also discussed the limited open space proposed and suggested that the Township have a conversation regarding the amount of open space in the Village of Berwyn moving forward.

Sandra Concannon, of 37 Midland Avenue, asked how this proposed plan would impact traffic at the lighted intersection on Midland and Lancaster Avenues. Staff responded that its traffic engineering consultant reviews land development applications. Chief Obzud will also have his Traffic Officer look at it, as well.

On a motion made by Mr. Polites, and seconded by Mrs. Fadem, the Board unanimously granted Preliminary Plan approval for Land Development Application 109 for 4 Midland Avenue, subject to the following conditions:

1. That the Applicant complies with the outstanding comments in the following review letters referenced in the Township Planning Commission's September 13, 2016 recommendation letter:
 - McMahon Associates, Inc. letter dated August 18, 2016;
 - ARRO Consulting, Inc. letter dated August 18, 2016;
 - Zoning Officer Memorandum dated September 01, 2016;
 - Glackin Thomas Panzak, Inc. letter dated August 18, 2016; and
 - Berwyn Fire Company Memorandum dated August 31, 2016.
2. That the Applicant includes a restriction in the Condominium Declaration that prohibits parking in Court A or Court B.
3. That the Applicant adds a note to the LD Plan that includes a restrictive covenant that prohibits parking in Court A or Court B and provides the Township with the legal authority to enforce such restriction.

4. That the Applicant submits architectural drawings for each of the three buildings which depict the building elevations from all four sides. Such architectural drawings must demonstrate compliance with the maximum building height of three stories or 42 feet, whichever is lower.
5. That the Applicant extends the sidewalk along Berwyn Avenue to Woodside Avenue and install two handicap ramps at this intersection.
6. That the Applicant satisfies the requirements in Section 400-25.D.(5) or 400-58.C or pay a fee-in-lieu of open space, if determined necessary by the Board. Should the Board determine that the fee-in-lieu of is acceptable, then the PC supports the Board providing a credit towards the fee-in-lieu of to the Applicant for the additional cost to extend the sidewalk along Berwyn Avenue past the property boundaries; however, the specific amount of the fee should be based upon the formula outlined in Section 400-58.C and found to be acceptable by the Board.
7. This preliminary land development approval does not constitute permission to build. The Applicant shall comply with all final development approval requirements, including but not limited to presentation of a final SLDO plan for Township review and action in compliance with all township ordinances and preliminary approval conditions (including height limitations); execution of final land development agreements and financial security; and permit applications for township review and action.
8. 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.
9. The proposed use and development, and intensity thereof, shall be consistent with the information and materials presented at tonight's public meeting.
10. The Board of Supervisors shall consider waiving requests at the time of final SLDO plan review and action.

Mr. Briggs also updated the Board regarding the Decision Extension Agreement. As this Land Development Plan is recommended for Preliminary Plan approval only, a Final Plan must go through a second review and approval process with both the Planning Commission and the Board. Section 400-15.D.(3) of the Township Code establishes a 90-day deadline for the Board to render a decision on the Land Development Application. This Land Development Application's original decision deadline was to expire on July 4, 2016, but was extended to September 30, 2016 by two agreements between the Applicant and Board. To accommodate the time needed for the Final Plan review and approval process, the Applicant has submitted the attached letter granting an extension for the Board's decision. If agreed to by the Board tonight, then the new deadline for its decision will be November 22, 2016.

On a motion made by Mr. Heppe, and seconded by Mr. Polites, the Board unanimously agreed to a third time extension proposed by the Applicant establishing a new deadline of November 22, 2016, in which to render a final decision on Land Development Application 109.

OLD BUSINESS

Mr. Heppe asked that the Township consider ways to educate residents regarding permit requirements in the Township and to bridge any communication gaps between residents and their contractors during the permit process.

PUBLIC FORUM

Jody Durante, of 580 Kromer Drive, suggested that the Township consider using the PECO facility in Berwyn as a replacement for its gas vendor, Mack Oil.

ADJOURNMENT

The meeting adjourned at 8:24 pm.

Respectfully submitted,

Kate Jones
Assistant Township Secretary