

## **EASTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING MINUTES OF JULY 16, 2018**

The July 16, 2018 Regular Meeting took place at the Township Building, 566 Beaumont Road, Devon and was called to order at 7:00 p.m. Supervisors present included: Marc J. Heppe, Chair; Betsy Fadem, Vice Chair; Christopher D. Polites; James W. Oram, Jr.; and Karl A. Romberger, Jr. Also attending were Dan Fox, Township Manager; Eugene C. Briggs, Jr., AICP, CZO; Dave Obzud, Police Chief; Don Curley, PE, AICP, Public Works Director; Kate Jones, Administrative Coordinator; and Andrew D. H. Rau, Esquire, Township Solicitor.

### **MINUTES**

Mrs. Fadem made a motion to approve the minutes from the June 18, 2018 Regular Meeting. Mr. Polites seconded the motion. Chairman Heppe opened the floor to the public and there were no comments. The Chair called the vote. The motion passed unanimously.

### **ANNOUNCEMENTS**

Berwyn-Devon Business Association and Easttown Library are hosting a Summer Movie Night Series behind the Easttown Library. Bring a blanket or chairs and enjoy *The Philadelphia Story* at 8:30 pm, July 20. For the full summer schedule, please visit [www.easttown.org](http://www.easttown.org).

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

- Parks and Recreation on Tuesday, July 17, 7 pm
- Library Board on Wednesday, July 18, 7 pm at Easttown Library
- Planning Commission on Tuesday, August 07, 7 pm (6:30 pm Workshop)
- Policy Committee on Monday, August 13, 5:30 pm
- Citizens Advisory Committee on Monday, August 13, 6:15 pm
- Municipal Authority on Tuesday, August 14, 7 pm
- Historical Commission on Wednesday, August 15, 7 pm at Easttown Library
- Next Board of Supervisors meeting on Monday, August 20, 7 pm

Mr. Polites noted that the Park and Recreation Board meeting on July 18 has been cancelled.

### **LIST OF BILLS**

Mrs. Fadem made a motion to approve the list of bills totaling \$238,686.88; a total of Warrants (\$93,789.53) and Payroll (\$144,897.35), date ending June 28, 2018. Mr. Oram seconded the motion. The Board questioned the staff on miscellaneous aspects of the bills. Mrs. Fadem requested a total of 2018

costs associated with certified accountant service and Township auditors, Maillie, LLP. Chairman Heppe opened the floor to the public and there were no comments. The motion passed unanimously.

Mr. Oram made a motion to approve the list of bills totaling \$695,974.70; a total of Warrants (\$538,934.24) and Payroll (\$157,040.46), date ending July 11, 2018. Mr. Romberger seconded the motion. The Board questioned the staff on miscellaneous aspects of the bills. Chairman Heppe opened the floor to the public and Michael Wacey, of 1049 Beaumont Road, asked if the bills from Keystone Municipal Services are reimbursable. Mr. Fox explained that they are not and that the Township pays this vendor a flat rate for third party building permit inspections. The motion passed unanimously.

## **LIAISON REPORTS**

Board members provided the following updates:

### **Citizens Advisory Committee:**

Betsy Fadem, James W. Oram, Jr.

Mrs. Fadem stated that she and Mr. Oram attended the Committee meeting on July 09. At the meeting, the Berwyn Fire Company presented its five-year Financial Plan. Mr. Oram added that it was a very thorough and well-framed presentation. The Committee next meets on August 13.

### **Fire Company Task Force:**

Betsy Fadem, Marc J. Heppe

Mrs. Fadem stated that the Task Force has not met since her last liaison update, but that a meeting will be scheduled as soon as the Berwyn and Paoli Fire Companies complete their five-year Financial Plans to both Easttown and Tredyffrin Townships.

### **Historical Commission:**

Karl A. Romberger, Jr.

No update. The Commission next meets on August 08.

### **Library Board:**

Christopher D. Polites

No update. The Library Board next meets on August 29. It has been rescheduled from its previously advertised date of August 15.

### **Municipal Authority:**

Karl A. Romberger, Jr.

No update. The Authority next meets on August 14.

### **Neighborhood Watch:**

Marc J. Heppe (and Chief Obzud)

Mr. Heppe stated the group met on July 10 and discussed its updated website, articles for the Township's next INCommunity Magazine, and its decent financial health. The Neighborhood Watch will not need to fundraise in 2018.

**Park & Recreation Board:**

Christopher D. Polites

Mr. Polites thanked the Board for another successful and well-attended annual July Fourth parade and picnic. The Board next meets on August 21.

**Pension Committee:**

James W. Oram, Jr., Christopher D. Polites

No update.

**Planning Commission:**

Betsy Fadem, Marc J. Heppe

Mrs. Fadem and Mr. Heppe deferred to Mr. Brigg's Planning and Zoning Departmental report. The Commission next meets on August 07.

**Police Department:**

Marc J. Heppe, James W. Oram, Jr.

No update.

**Policy Committee:**

Betsy Fadem, James W. Oram, Jr.

The Committee met on July 09 and tonight present a slight revision to previously adopted Policy 111. In addition, the Committee discussed the reappointment of incumbents and input for the Supervisors and public and, at this time, do not recommend any policy changes. Part of the reasoning for this is that, even without limits on terms or asking incumbents to reapply, natural turnover has occurred within the past three years. In this time, each Township Authorized Group has added at least one new member. The Committee next meets on August 12.

Chairman Heppe opened the floor to the public and Louise Story, of 2060 Buttonwood Road, provided insight regarding natural mosquito prevention techniques.

**DEPARTMENTAL REPORTS**

Mr. Fox, Township Manager, outlined the contents of his Administrative memo, dated, July 13, 2018. He stated that the Hilltop House Subcommittee that will be reviewing RFQs is comprised of Karl Romberger, Chris Polites, Alessandra Nicholas, Tom McGurk, Ted Babiy, and Tom Toscani. After discussion, Chairman Heppe opened the floor to the public and there were no comments.

Mr. Fox also outlined the Finance Department report, dated July 16, 2018. After discussion, Chairman Heppe opened the floor to the public and there were no comments.

Mr. Briggs, Director of Planning and Zoning, outlined the contents of his memo, dated July 09, 2018. After discussion, Chairman Heppe opened the floor to the public and there were no comments.

Chief Obzud gave an update on the Police Department. After discussion, Chairman Heppe opened the floor to the public and there were no comments.

Mr. Curley, Public Works Director, outlined the contents of his memo, dated July 10, 2018. Mr. Polites sought clarification regarding the new gas and diesel provider. After discussion, Chairman Heppe opened the floor to the public and Theresa Banks, of 840 Potter Avenue, asked Mr. Curley where the Township intends on installing a proposed propane tank. Mr. Curley responded that, if installed, it would replace the existing one on the Public Works Garage site.

## **NEW BUSINESS**

### **Consideration of a Motion to Adopt Ordinance 2018-434 Special Parking**

Mr. Curley updated this item to the Board. A resident recently approached the Township requesting a handicap parking space on Walnut Avenue. Staff reviewed the issue and determined that the approval of handicap parking requires approval of the Board via ordinance. The Public Works and Police Departments have determined the best location for the space, which is located in the middle of the block. The Board authorized staff to advertise the draft ordinance at its meeting on June 18, 2018. It has been advertised and is ready to be considered for approval.

Mr. Romberger asked for clarification regarding the criteria for choosing the space's location. Mr. Curley responded that it was both practical for the requestor and for the community at large.

Mr. Oram made a motion to adopt Ordinance 2018-434 Special Parking designating a handicap parking space on Walnut Avenue. Mrs. Fadem seconded the motion. Chairman Heppe opened the floor to the public and Mr. Wacey asked if the Board had notified the neighbors regarding the proposed amendment. Staff responded that the Township, by law, advertises all proposed amendments. The motion passed unanimously.

### **Consideration of a Motion to Advertise Ordinance Amending Prohibiting Parking**

Mr. Rau introduced the Board to this item. This is a draft ordinance amendment to § 430-7, "Parking prohibited at all times" for the Daventry Road "no parking" zone on the south side, beginning at Waterloo Avenue and going east for 50 feet. The Township has received numerous complaints from concerned residents stating it is unsafe to turn onto Daventry Road from Waterloo Avenue because of vehicles parked to the intersection on the south side of Daventry Road. After monitoring the site, the Police Department recommends that parking should be restricted via ordinance amendment 50 feet east from the corner of Daventry Road and Waterloo Avenue. If approved tonight for advertising, the ordinance will be on the August 20, 2018 agenda for consideration of adoption.

Mrs. Fadem asked if the neighbors had been notified of this proposed development and Chief Obzud stated that he would confirm with the Township's Traffic Safety Officer.

After discussion, Mr. Oram made a motion to authorize staff to advertise ordinance amendment to § 430-7, "Parking prohibited at all times" for the Daventry Road "no parking" zone on the south side, beginning at Waterloo Avenue and going east for 50 feet. Mr. Romberger seconded the motion. Chairman Heppe opened the floor to the public and Mr. Wacey sought clarification regarding street signage. The motion passed unanimously.

#### **Consideration of a Motion to Approve Specimen Tree Removal and Tree Replacement Plan for 104 Devonwood Lane**

Mr. Briggs introduced the Board to this item. On June 12, 2018, the Property Owner submitted a Zoning Permit Application to construct a two-story addition, new deck, and remove a 40 inch Specimen Tree. Chapter 274, Natural Resources Protection of the Township Code, defines a Specimen Tree as, "Any healthy tree with a trunk diameter of 36 inches and greater dbh." Section 274-30 states in part that, "Tree replacement shall be provided where the applicant demonstrates to the satisfaction of the Board of Supervisors"..."where specimen trees are removed from any location on the site." Section 274-31.B.(3) states that, "For properties that are less than two acres in area, replacement plantings shall be provided at a ratio of three additional shade trees for each specimen tree 36 inches or greater dbh removed." Per Section 274-31.C., replacement plantings shall be provided as shade trees of 2.5 inches in caliper or two evergreen trees per required shade tree, for up to 50% of the requirement. The Applicant proposes to plant two maple shade trees and three evergreen arborvitae trees. Lisa Thomas, Township Landscape Architect, has reviewed the proposed tree replacement plan and finds it to be in compliance with Sections 274-31.B.(3) and 274-31.C.

After discussion, Mrs. Fadem made a motion to approve the tree replacement plan for 104 Devonwood Lane. Mr. Polites seconded the motion. Chairman Heppe opened the floor to the public and Mr. Wacey asked for the definition of a "specimen tree." The motion passed unanimously.

#### **Consideration of a Motion to Authorize Appeal for ZHB 552 15 Leopard Road**

Mr. Rau updated the Board on this item. During executive session, the Board made the decision to appeal Court of Common Pleas decision to grant, in part, the Appellant's Land Use Appeal No. 2017-00137-ZB, but still is required to complete public action at a Board meeting.

Mr. Polites asked for an estimated timeline of this process and Mr. Rau answered about 12 months. Mr. Rau also stated that the Township will continue to notify residents who have party status.

After discussion, Mr. Polites made a motion to authorize the appeal the decision of the Court of Common Pleas for Appellant's Land Use Appeal No. 2017-00137-ZB. Mrs. Fadem seconded the motion. Chairman

Heppe opened the floor to the public and Margaret D'Alessandro, of 610 Clovelly Lane, asked Mr. Rau to clarify certain aspects of the appeal. Ms. Banks asked Mr. Rau if interested parties should attend the hearing, and Mr. Rau said that it was not necessary but that the public is welcome. The motion passed unanimously.

### **Consideration of a Motion to Authorize Staff to Submit a Vision Partnership Program Grant Application for Devon Vision/Zoning Amendments**

The Easttown Township Comprehensive Plan was adopted on April 16, 2018. One of the Plan's highest priorities is to "proactively direct development in Devon Center through a public process that identifies a clear vision for the area." To help offset the cost of this visioning process and resulting Zoning Amendments, the Board of Supervisors authorized the preparation of a Chester County Vision Partnership Program (VPP) Grant Application. The attached VPP Grant Application was drafted, at no cost to the Township, by Lisa Thomas, Township Planner. Mr. Heppe, Mrs. Fadem, Planning Commission Chair Mark Stanish, and Mr. Briggs participated in the drafting the Application.

Under the VPP, the County grants up to 70% of a project's cost to hire a consulting firm to facilitate the planning and adoption process. Municipalities are then responsible to pay up to 30% of the project's cost as a local match. The Township's VPP Grant Application proposes an 11-month public engagement and Zoning Amendment adoption process with guidance from a Township appointed Task Force. It also proposes a total cost of \$57,000. The Application requests \$39,900 or (70%) from the County leaving the Township to provide \$17,100 as its local match. The VPP Grant Application also proposes that Lisa Thomas, from Glackin Thomas Panzak, be the Lead Planner on the project. Previously, Ms. Thomas successfully led the Township through a similar Zoning Amendment project in 2009 when it adopted the Village of Berwyn Zoning Districts.

After discussion, Mrs. Fadem made a motion to commit \$17,100 in its 2019 Budget as the local match for the Devon Center Visioning and Zoning Ordinance Amendments Vision Partnership Program Grant Application and authorize the Township Manager to submit the Vision Partnership Program Grant Application to Chester County Planning Commission by the August 15, 2018 deadline. Mr. Oram seconded the motion. Chairman Heppe opened the floor to the public and Mr. Wacey and Ms. D'Alessandro asked questions regarding the VPP grant process. The motion passed unanimously.

### **Consideration of a Motion to Amend Policy 111: Citizen Appointments to Authorities, Boards, Commissions, and Committees**

Mrs. Fadem updated the Board on this item. *Policy 111: Appointments to Authorities, Boards, Commissions, Committees, and Task Forces* was first approved on May 15, 2017 and amended on June 04, 2018. A newly amended version, which has been reviewed by the Policy Committee, Staff, and the Township Solicitor is before the Board for consideration of approval. This proposed draft adds the following language under the "Background" portion: "Township employees will not be eligible for appointments to the Township Authorized Groups. Township employees may serve as staff liaison to these Groups."

After discussion, Mr. Oram made a motion to Amend Policy #111: Appointments to Authorities, Boards, Commissions, Committees, and Task Forces. Mrs. Fadem seconded the motion. Chairman Heppe opened the floor to the public and there were no further comments. The motion passed unanimously.

### **OLD BUSINESS**

Mr. Polites asked for an update on the Bridge Avenue bridge project. Mrs. Fadem responded that staff from the Berwyn Fire Company stated that it was on schedule for completion at an unrelated meeting she attended.

Chairman Heppe thanked Edward and Janet Antoin for providing the Good Humor ice cream truck and Flowers by Priscella for providing decorations for the July Fourth picnic and parade.

### **PUBLIC FORUM**

None

### **ADJOURNMENT**

The meeting adjourned at 08:33 pm.

Respectfully submitted,

Kate Jones  
Assistant Township Secretary