

**BOARD OF SUPERVISORS****Regular Meeting Minutes****September 20, 2021**

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

1. **Call to Order** – Chair Marc Heppe called the meeting to order at 7:00 PM. Mr. Heppe announced that this meeting is being recorded and reviewed general meeting protocols.
2. **Pledge of Allegiance** – Mr. Heppe led the Pledge of Allegiance. He noted that the Board of Supervisors met in Executive session on September 13, 2021 to discuss legal issues.
3. **Emergency Management Coordinator Storm Assistance Update** – Rob Schnorr, the Township EMC, updated the Board and audience on available aid for those affected by Hurricane Ida. He noted that [www.chesco.org/ida](http://www.chesco.org/ida) has all the pertinent information. Mr. Schnorr answered additional questions from the Board of Supervisors (BOS).
4. **Legislative Update from US Representative Houlahan's Office** – Dr. Scott Nelson, of US Representative Houlahan's Office, presented the variety of services and assistance their office can provide constituents and the Township staff, including assistance with securing grant funding.
5. **Board Motions, Presentations and Resolutions**
  - A. **Consideration of SD 533 – 578 Lancaster, 4 Midland, and 5 Woodside Avenues (Berwyn Square) Final Subdivision and Land Development Plan** – Solicitor Rau summarized this project, including the Planning Commission's recommendation for approval at their September 09, 2021 meeting. Mr. Heppe called for a motion. Vice Chair Fadem made a motion that the Board of Supervisors approve SD533 as Mr. Rau had summarized and as outlined below. Mr. Oram seconded the motion. The Board adopted the Planning Commission's recommended conditions (as outlined in the September 09, 2021 Buckley Brion McGuire & Morris letter) as follows:

1. The Applicant and the Application shall comply with all outstanding comments and recommendations in the following Township review memorandum and correspondence:
  - i. 8.27.21 Matt Lubitz, Zoning Officer Memorandum
  - ii. 8.24.21 ARRO, Township Engineer, letter
  - iii. 8.31.21 Chris Williams, McMahon Associates, Township Traffic Engineer, review letter
2. The Applicant and Application shall comply with all conditions and requirements of the Preliminary Plan Approval awarded on July 19, 2021 and outlined in Andy Rau's approval letter of July 30, 2021.
3. The design and construction of the proposed mixed use building and exterior spaces depicted on the Final Plan shall comply with the following 1) Architectural renderings, drawings ASK-01 through 08 and the Street Wall and Building Height Diagrams, Drawings ASK-09 and 10 all dated 6.15.2021 and 2) the plan titled Berwyn Square Mixed Use Illustrative Plan with Use Overlay dated 6.16.2021.
4. As part of the PennDOT Highway Occupancy Permit application for this project, the Applicant shall evaluate the future traffic conditions of the intersection of Woodside and Lancaster in cooperation with McMahon Associate, shall revise the Traffic Impact Assessment as necessary and shall implement any changes approved by and satisfactory to the Township, subject to the approval of PENNDOT which may include prohibition of left turn movement and/or designation of Woodside Avenue as one way southbound from Lancaster to the Woodside Avenue garage access to the proposed building.
5. The fee-in-lieu of open space in the total amount of \$267,600, required by the Preliminary Plan approval letter, shall be paid by the Applicant prior to recordation of Final Plan.
6. The applicant shall contribute a voluntary fee for transportation improvements in the amount of \$35,100 prior to recordation of the Final Plan. This condition is based on a similar per unit voluntary transportation improvement fee allocation used in the recent Fritztown development.

Additional Terms and Conditions approved and incorporated by the Board:

1. The Applicant shall provide and memorialize in writing that prior to recordation of the Final Plan, the Applicant shall withdraw all other applications relating to the property as follows:
  - i. SD 537 (116 unit multifamily plan)
  - ii. SD 530 (gas station/convenience store plan)
  - iii. SD 531 (116 unit multifamily plan, denied by the BOS and currently on appeal at the Chester County Court of Common Pleas)
  - iv. ZHB 586 (ZHB variance decision of 2.26.20)
2. All requested waivers, and the request to remove a single specimen tree were previously approved and memorialized in the Preliminary Plan Approval letter. Those approvals are reaffirmed and incorporated by reference.
3. The Applicant shall comply with Township permitting and development requirements, including, but not limited to, execution of finalized land development agreements, financial surety, and permit applications.

4. The Applicant shall reimburse the Township for all outstanding fees and charges incurred by the Township with regard to this Application including but not limited to legal, engineering, and consulting review fees.
5. The proposed use and development shall be consistent with any applicant materials provided at the meeting and in the Final Plan documentation submitted.

Mr. Heppe called for public comment. Bill Friedrich, 425 Newtown Road, commented on courtyards. Cheryl Harper, 214 Pheasant Run Road, commented on the courtyard. Mr. Heppe called for the vote. The motion carried 3-2 with Mr. Wacey and Mrs. D'Antonio voting nay.

- B. Consideration of Immediate Stormwater Actions** – Mr. Curley summarized his Stormwater Action Report which outlined commonly reported problem areas, key items to understand, and intervention strategies. The Board asked questions and discussed the severity of storms, historic flooding and problem areas. Applying solutions and the complexity of finding a solution to many of these issues was part of the discussion. Mr. Heppe called for public comment. Buck Buchanan, 683 Weatherby Lane, commented on design standards.
- C. Consideration to Form a Stormwater Task Force** – Mrs. D'Antonio made a motion that the Board create a Stormwater Task Force beginning in January 2022. Mrs. Fadem seconded the motion. The Board discussed the topic. Mr. Oram revised the motion to include the following: Mr. Briggs will work with the Solicitor to develop an Ordinance for a Stormwater Advisory Board for consideration at the January BOS meeting. The Board continued to discuss prioritizing stormwater problem areas and solutions. Mr. Heppe called for public comment. Joan Bergquist, 217 Devon Boulevard, commented on using old maps to assist with this endeavor. Stacey Donohue, 1360 Sugartown Road, commented on flooding at her residence. Mr. Heppe called for the vote. The motion carried 5-0.
- D. Demonstration of New Electronic Permitting and Citizen Reporting Tools** – Eric Haflett, of McMahon Associates, introduced the new online Permit portal and Citizen reporting feature which will allow individuals to submit a permit and/or file a concern online. The portals are accessible through the Township website.
- E. Consideration of Letter of Intent to Participate in Delaware Valley Regional Planning Commission's Streetlight Procurement Program** – Mr. Wacey reviewed the four (4) phases of the Delaware Valley Regional Planning Commission's program to assist the Township in replacing the current street lights with LED streetlights. Mrs. D'Antonio made a motion that the Board of Supervisors direct the Township Manager to sign the Letter of Intent which is Phase 1 of this program. Mrs. Fadem seconded the motion. The Board discussed costs and other details of the program. Mr. Heppe called for public comment. There was no public comment. Mr. Heppe called for the vote. The motion carried 5-0.
- F. Consideration to Accept the Resignation of the Board of Supervisors Vacancy Board Chair and Municipal Authority Member** – Mr. Briggs reported that Mr. Kim Reynolds, Vacancy Board Chair and member of the Easttown Municipal Authority (EMA), is moving from the Township and submitted his resignation from those two Boards. On a motion by Mrs. Fadem, seconded by Mr. Oram, the Board accepted Mr. Reynolds' resignation. The BOS discussed vacancy appointments to the EMA as required by the Municipal Planning Code (MPC). Mr. Briggs will post the vacancy on the website. He will forward all letters of interest to Mr. Curley and Mrs. D'Antonio for review. They will then make a

candidate recommendation to the EMA. Mr. Heppe called for public comment. There was no public comment. Mr. Heppe called for the vote. The motion carried 5-0.

## 6. Departmental Reports

- A. **Finance Report** – Mr. DeFeo summarized his report and answered questions from the Board. Mr. Heppe called for public comment. There was no public comment.
- B. **Planning and Zoning** – Mr. Curley summarized his report and answered questions from the Board. Mr. Heppe called for public comment. There was no public comment.
- C. **Police** – Chief Obzud summarized his report and answered questions from the Board. Mr. Heppe called for public comment. There was no public comment.

## 7. Regular Township Business

- A. **Consideration of the September 07, 2021 Regular Meeting Minutes** – Mr. Heppe called for a motion. Mrs. Fadem made a motion to approve the minutes. Mr. Wacey seconded the motion. Mr. Heppe called for public comment. There was no public comment. Mr. Heppe called for the vote. The motion carried 5-0.
- B. **Authorize the Payment of Bills: \$648,623.67, a total of Warrants (\$318,675.66) and Payroll from September 03, 2021 in the amount of \$181,098.19 and Payroll from September 17, 2021 in the amount of \$148,849.82 date ending September 20, 2021** – Mr. Heppe called for a motion. Mr. Oram made a motion to pay the bills. The motion was seconded by Mrs. D'Antonio. The Board of Supervisors reviewed the bills with Mr. DeFeo and staff. Mr. Heppe called for public comment. There was no public comment. Mr. Heppe called for the vote to approve the payment of the bills. The motion passed 5-0.

## 8. Board of Supervisors Liaison Reports

- A. **Pension Group** – Mr. Wacey and Mr. Oram summarized the August 23rd meeting where the main topic was the performance of the pension plan which is meeting all of its benchmarks.
- B. **Planning Commission (PC)** – Mrs. Fadem summarized the September 9<sup>th</sup> PC meeting where the PC reviewed a Sketch Plan, several ZHB applications, recommended approval of SD 533, began the discussion on the 1993 Open Space Plan and continued review and discussion of the Omnibus Zoning Amendments.
- C. **Library Board** – Mr. Heppe reported on the Library's last meeting. Of note is that the Library is having trouble finding enough staff to go back to their full time schedule. The Library public meeting rooms are now rentable. The next meeting is September 22<sup>nd</sup>.
- D. **Easttown Citizens Advisory Committee (ECAC)** – Mrs. Fadem reported that ECAC met on September 13<sup>th</sup> where they were updated on the Phase B HSA Study.
- E. **Police** – Mr. Wacey reported that the Police Policy Manual project continues to make progress toward completion.

- F. Historical Commission (HC)** – Mr. Oram reported that the HC met on September 8<sup>th</sup>. The majority of the meeting was spent reviewing their upcoming presentation to the Planning Commission regarding their requests for certain zoning changes.
- G. Policy Committee** – Mrs. Fadem reported that the Policy Committee met on August 23<sup>rd</sup> and completed the Nomination policy. They also discussed two policies: Park Facility Use and Public Comment Guidelines. Next meeting is Sept. 27<sup>th</sup>.
- H. Parks and Recreation Board (PRB)** – Mr. Wacey reported that the PRB met on August 17<sup>th</sup> and discussed the fountain bid, 2022 projects, including pickleball courts at Hilltop Park, a flagpole in Johnson Park and basketball court resurfacing. The Environmental Advisory Council gave a presentation to the PRB on the 1993 Open Space Plan and how they want to work together with the PRB and the PC on updating this plan.
- I. Environmental Advisory Council (EAC)** – Mr. Wacey summarized the August 27<sup>th</sup> meeting, where the EAC discussed beekeeping, their upcoming workshops, the 2022 budget, and consideration of outlawing plastics. The EAC is working on getting a Trex bench.
- J. Fire/EMS** – Mrs. Fadem reported that the group has met twice and Mrs. Fadem has also attended three (3) subgroup budget meetings (2 with Berwyn Fire Co. and 1 with Paoli). Their focus is on the budget and the Township recommended contributions. Additionally, they discussed the Townships' recommended funding level for the Berwyn Fire Company's New Firehouse at Bridge Avenue
- K. Finance Work Group** – Mr. Wacey reported on their meeting of September 10<sup>th</sup>. A representative from Portnoff gave a presentation on the collections process and the group discussed Fire Company funding.
- L. Easttown Municipal Authority (EMA)** – Mrs. D'Antonio reported on the EMA's September 14<sup>th</sup> meeting where the EMA discussed dedication of the sanitary sewer for Ashworth Hall, the resignation of Kim Reynolds the force main break and financial modeling.

## 9. Other Business

- A. Select a Second Supervisor for an After Action Report for the Devon Center Project** – Mrs. D'Antonio spoke about the Devon Center project and the benefits of identifying what the Board would have done differently, what worked well and what didn't. Mr. Oram offered to join Mrs. D'Antonio in this endeavor so they can present a thorough, objective assessment and a road map for designing future projects. The Board agreed with this direction. Mr. Heppe called for public comment. There was no public comment.

## 10. Announcements

Mr. Heppe read the following announcements:

The following meetings are scheduled and will be held in the Township meeting room with an option to attend the meeting virtually. Please visit the Township website at [www.easttown.org](http://www.easttown.org) to find information on how to view and participate in each of the meetings and for up to date information on all Township activities.

- Parks and Recreation Board, September 21<sup>st</sup> at 7:00 PM
- Library Board, September 22<sup>nd</sup> at 7:00 PM
- Environmental Advisory Council, September 23<sup>rd</sup> at 7:00 PM
- Policy Committee, September 27<sup>th</sup> at 6:30 PM
- Board of Supervisors, October 4<sup>th</sup> at 7:00 PM

UPCOMING COMMUNITY EVENTS:

- Sunday, September 26<sup>th</sup> is Berwyn Community Day from 12-4 PM. Celebrate the mural dedication and Clay's Bakery 30<sup>th</sup> Birthday Party. There will be face painting, DJ, hot dogs, inflatable obstacle courses, cake (of course) and more! The event will be held in the parking lot across from Clay's.
- On October 6<sup>th</sup>, at 6:30 p.m., the Environmental Advisory Council is hosting a lecture entitled, "The Impacts of Single Use Plastics on the Environment and What Communities are Doing About Them." The lecture will be given by Maurice Sampson, Eastern Pennsylvania Director of Clean Water Action. Email [easttown@easttown.org](mailto:easttown@easttown.org) to sign up.

**11. Public Comment**

Mr. Heppe called for public comment. There was no public comment.

**12. Adjournment**

The meeting adjourned by unanimous consent at 9:50 P.M.

Respectfully submitted,

*/s/ Sharon Norris*

Sharon Norris  
Administrative Assistant to the Township Manager