

# Easttown Township

## BOARD OF SUPERVISORS

### Regular Meeting Minutes

November 01, 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 in attendance were Eugene Briggs (Township Manager), Don Curley (Assistant Township Manager and Director of Public Works), Bill DeFeo (Finance Director), Dave Obzud (Chief, Easttown Police Department), Andy Rau (Township Solicitor) and Sharon Norris, (Administrative Assistant to the Township Manager.)

1. **Call to Order** – Chairman Heppe called the meeting to order at 7:00 PM. Mr. Heppe announced that this meeting is being recorded and made brief remarks regarding meeting protocol. He also announced that the Board met in Executive Session on October 26, 2021 to discuss legal issues.
2. **Pledge of Allegiance** – Mr. Heppe led the Pledge of Allegiance.
3. **Emergency Management Coordinator Update** – Mr. Heppe introduced Rob Schnorr, the Township Emergency Management Coordinator. Mr. Schnorr gave an update on COVID-19 and Tropical Depression IDA assistance. Mr. Schnorr answered questions from the Board. Mr. Heppe called for public comment. There was no public comment.
4. **Board Motions, Presentations and Resolutions**
  - A. **Continued Public Hearing – Conditional Use 109 – 300 Lancaster Avenue** – Solicitor Rau summarized the details of this application. CU 109 was filed by Brett, Scott, Lisa & Ellen Furman (collectively the “Applicants”) as owners of 300 Lancaster Avenue. Mr. Heppe called for a motion. Vice Chair Fadem made a motion to approve Conditional Use Application 109 for a retail bakery with seating and takeout service along with related sales and including an accessory play area in tenant space located at 300 Lancaster Avenue subject to the following conditions. The motion was seconded by Mr. Oram and is further outlined below:
    1. The approval is granted for the bakery as a restaurant use, permitted by conditional use in the PBO District at § 455.B.19.
    2. The bakery hours of operation shall be 9:00 a.m. to 6:00 p.m.
    3. The proposed play area component is permitted only as an accessory use to the primary bakery / restaurant use, meaning:
      - A. The play area component shall only be open and active during the same days, and during the same operating hours, as the bakery.

- B. The play area component shall function only as an integrated part of the bakery, and it shall have no function or operation, business name, or identity, separate and apart from the bakery.
  - C. Staff supervision of the play area component shall be by bakery employees only.
  - D. The play area component shall not function or operate as a licensed daycare facility.
  - E. The play area component shall be limited to 864 square feet, which is less than 30% of the total floor area, consistent with Exhibit B-1 (Plan Page 1).
4. As to parking, the following terms and conditions shall apply:
- A. The prior temporary use of up to 50 parking spaces for Devon Nissan automobile inventory storage on the Property, previously approved by conditional use on October 3, 2011, is hereby extinguished. There shall be no further automobile inventory storage on the Property. This is consistent with the testimony of Scott Furman on behalf of the Applicants, stating that any auto dealership agreements for use of the Property are no longer active or in place.
  - B. As to Mr. Furman's testimony concerning the use of up to 50 parking spaces on the Property by Recovery Centers of America (RCA), in lieu of the prior Nissan use, the use of such spaces by RCA on the Property is expressly subject to the following terms and conditions:
    - (1) The RCA use of up to 50 parking space shall be limited to the active use of spaces for daily RCA employee parking only. RCA may not store vehicles on the Property.
    - (2) The RCA parking shall not interfere with parking and circulation for patrons and employees of the businesses located on the Property.
    - (3) The RCA parking approval herein is temporary in nature. The Township may administratively adjust parking requirements and require the Applicants to lower the number of spaces used by RCA if the Township finds that the RCA use of spaces interferes with, or negatively impacts, parking availability by the businesses located on the Property, the proper circulation of traffic on the Property, or if the RCA use creates any other negative parking issues on the Property or on nearby streets. The Applicants shall comply with any Township administrative action to require reduction in spaces used by RCA within 30 days of being so notified by the Township.
    - (4) The RCA parking conditionally and temporarily permitted herein applies only to RCA and is not transferrable. No other offsite business or user is entitled to the temporary parking use by RCA. Any proposed modification to include a different offsite user will require an additional conditional use application for review and consideration per regular Township procedures.
5. Except as specifically granted by the Conditional Use Approval herein, the Applicants shall comply with all prior zoning, conditional use, development or permitting decisions previously issued by the Township and relating to the Property.

6. The Conditional Use Approval herein is subject to, and shall be in conformance with, the exhibits and testimony otherwise provided at the hearing.
7. The Applicants shall reimburse the Township for all outstanding fees and charges incurred by the Township in processing the conditional use and any subsequent permitting applications, including but not limited to legal, engineering and consulting review fees.
8. The BOS reserves the right to issue a formal Conditional Use Decision with findings of fact and conclusions of law, if necessary.

Mr. Heppe called for public comment. There was no public comment. Mr. Heppe called for the vote. The motion carried 4-1 with Mr. Wacey voting nay.

**B. Consideration of Subdivision SD 538 – 416 and 418 South Valley Forge Road – Final/Minor Subdivision Plan** – Solicitor Rau summarized the plan which proposes an internal lot line change to permit conveyance of part of Lot 1 to Lot 2 to make Lot 2 a conforming lot relative to the required minimum lot area. No new lots are being created. Mr. Heppe called for a motion. Mrs. Fadem made a motion to approve SD 538. The motion was seconded by Mr. Oram. The conditions of the approval are as follows:

1. The Final Plan shall comply with all outstanding comments and recommendations set forth in the following Township review letters:
  - A. Matt Lubitz, BCO, Planning and Zoning Officer, memorandum dated September 27, 2021;
  - B. ARRO, Township Engineer, correspondence dated September 15, 2021;
  - C. McMahon Associates, Inc., Township Traffic Engineer, correspondence dated September 24, 2021; and
  - D. Glackin Thomas Panzak, Township Planner, correspondence dated September 22, 2021.
2. In order that no new nonconformity is created by this subdivision, the existing, non-historic shed depicted on the Final Plan, located on Parcel A, shall be demolished before recording of the Final Plan with the Chester County Recorder of Deeds.
3. Waivers are granted from the requirements of SLDO Section 400-41 which otherwise requires the construction of curbs and sidewalk along the South Valley Forge Road frontage; and SLDO Sections 400-32.E and 400-34.A which otherwise require a roadway cartway width of 28 feet for South Valley Forge Road. The waivers are granted given that no new lot is being created. The granting of waivers is subject to the fee-in-lieu payment requirement, as set forth in Condition 4 herein.
4. As a condition precedent to Final Plan recording, a fee-in-lieu of the installation of curbs and sidewalk, and in lieu of widening South Valley Forge Road, shall be paid to the Township based on the lineal frontage of Lot 2 only, as follows:
  - Proposed Lot 2 frontage = 163.65 FT (D)
    - Sidewalk = (D) x 4 x \$12 = 7,855.20
    - Curbing = (D) x \$33 = \$5,400.45
    - Widening = (D) x 2.5 x \$10 = \$4,091.25
    - Total Lot 2 Fee-in-Lieu Requirement = **\$17,346.90**

5. The Applicants shall comply with all Township permitting and development requirements, to the extent applicable.
6. The Applicants shall reimburse the Township for all outstanding fees and charges incurred by the Township in processing and considering the Final Plan, including but not limited to legal, engineering, and consulting review fees.
7. The Final Plan shall otherwise be consistent with any materials or representations provided at the Meeting, and in the Final Plan documentation submitted.

Mr. Heppe called for public comment. There was none. Mr. Heppe called for the vote. The motion carried 5-0.

- C. Presentation of Township 2022 Preliminary Budget** – Mr. Briggs introduced the Preliminary Budget and described the revisions made as a result of the last meeting. Mr. DeFeo continued the presentation noting that the intention is to present the Preliminary Budget to the Board for approval at its November 15<sup>th</sup> meeting. The Board discussed the Preliminary Budget including sewer and trash fee increases and asked questions of the staff. During the discussion, Mr. Curley noted the immediate need for a new truck. After consultation with the Solicitor, it was determined that a motion could be made to authorize the purchase of a new truck; however, first a motion must be made to add an action item to the agenda. Mr. Rau advised that a revised agenda noting the action item should be posted in the Township lobby within 24 hours of tonight's meeting. Mrs. D'Antonio made the motion to add an action item to this agenda. Mr. Oram seconded that motion. Mr. Heppe called for public comment. There was no public comment. The motion carried 5-0. Mr. Oram made a motion to use American Recovery Plan Act (ARPA) funds to purchase the new truck. Mrs. D'Antonio seconded the motion. Mr. Heppe called for public comment. There was no public comment. The motion carried 5-0. Mr. Heppe called for public comment. Buck Buchanan, 638 Wetherby Lane, commented on taxes, insurance and ransomware protection. Michael DeFlavia, 125 Bartholomew Road, commented on taxes. Margaret DePiano, 109 Sugartown Road, member of the Parks and Recreation Board, commented on the Open Space Plan and the Hilltop Garden Restoration. Cara Rash, 1524 Green Hill Circle, member of the Environmental Advisory Council, commented on the EAC support of the Open Space Plan.
- D. Consideration of After Action Report for Devon Center Project** – Mrs. Fadem made a motion to accept this After-Action Report and use it as a template for future projects of this type. The report will be attached as part of these minutes. Mr. Wacey seconded the motion. Mr. Heppe called for public comment. There was no public comment. The motion carried 5-0.
- E. Consideration to Appoint a Board of Supervisors Vacancy Chair** – Mr. Heppe called for a motion. Mrs. Fadem made a motion to appoint Buck Buchanan as the Vacancy Board Chair to a term to expire on December 31, 2021, noting that Mr. Buchanan would be resigning from the Easttown Citizens Advisory Committee to accept this position. Mr. Buchanan was in attendance and acknowledged that he is resigning. The motion was seconded by Mrs. D'Antonio. 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 Designate Two Board Members to Review All BOS Vacancy Board Chair Candidate Submissions and Recommend Candidate** – Mrs. Fadem nominated Mr. Heppe and Mr. Wacey to review the Vacancy Board Chair candidate submissions for a term to begin in January 2022 and recommend a candidate. Mrs.

D'Antonio 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.

- G. Consideration to Designate Two Board Members to Review All Zoning Hearing Board (ZHB) Candidate Submissions, Consider Zoning Hearing Board Recommendations and Recommend Candidates** – Mr. Wacey nominated Mrs. D'Antonio and Mrs. Fadem to review all ZHB candidate submissions, consider ZHB recommendations and recommend candidates for terms to begin in January 2022. The nomination was seconded by Mrs. Fadem. Mr. Heppe called for public comment. There was no public comment. Mr. Heppe called for the vote. The motion carried 5-0.

## 5. Departmental Reports

- A. Manager Report** – Mr. Briggs summarized his report and answered questions from the Board. Mr. Heppe called for public comment. There was no public comment.
- B. Public Works Report** – Mr. Curley summarized his report and answered questions from the Board. Mr. Heppe called for public comment. There was no public comment.

## 6. Regular Township Business

- A. Consideration of the October 18, 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. Wacey noted a correction to agenda item 3C *Presentation of the Draft Township Budget* changing 222 to 2022. Additionally, he corrected the PSATS discussion to read that “the USA is celebrating their 250<sup>th</sup> birthday in 2026.” Mrs. Fadem noted that references to the draft and preliminary budget terminology should be consistent and revised accordingly. Mr. Heppe called for public comment. There was no public comment. Mr. Heppe called for a vote to approve the minutes as revised. The motion carried 5-0.
- B. Authorize the Payment of Bills** – \$488,595.17; a total of Warrants of \$296,470.38; and Payroll of \$152,124.79 date ending November 01, 2021. Mr. Heppe called for a motion. Mrs. Fadem made a motion to pay the bills. The motion was seconded by Mr. Oram. 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 bills. The motion carried 5-0.

## 7. Other Business

- A. Covered Expenses for Supervisor Attendance at Pennsylvania State Association of Township Supervisors Conference (PSATS)** – Mr. Wacey recently attended a PSATS conference. He noted that the Township has a Policy that addresses which expenses the Township would cover for such conferences and suggests that the Policy Committee review it.
- B. Consent Agenda Items** – Mr. Wacey indicated that the Policy Committee discussed the Consent Agenda topic at their recent meeting. He reiterated the items that are able to be included on a Consent Agenda. The Board discussed this topic and asked questions. The Board will follow Roberts Rules of Order for the

Consent Agenda. The Consent Agenda will be on a future Board of Supervisors meeting agenda.

- C. **Other** – Mr. Heppe inquired about the Stormwater Task Force. Mr. Briggs updated the Board that the ordinance to form the Task Force is being drafted.

## 8. 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.

- Planning Commission, November 4<sup>th</sup> at 7:00 PM with a Workshop Meeting at 6:30 PM
- Easttown Citizens Advisory Committee, November 8<sup>th</sup> at 6:15 PM
- Easttown Municipal Authority, November 9<sup>th</sup> at 7:00 PM
- Historical Commission, November 10<sup>th</sup> at 7:00 PM
- Zoning Hearing Board, November 11<sup>th</sup> at 7:00 PM
- Board of Supervisors, November 15<sup>th</sup> at 7:00 PM

Election Day is November 2<sup>nd</sup> – Don't forget to vote! Polls are open from 7 AM – 8 PM.

Don't forget to honor our nation's Veterans on Veteran's Day, November 11<sup>th</sup>. The Township Office is open.

## 9. Public Comment

Mr. Heppe called for public comment. Mr. Oram read aloud his letter of resignation which is effective November 02, 2021. Mr. Oram will be moving out of the Township effective November 11, 2021. Mr. Oram expressed his thanks to the Township Staff, Police Department and the Residents. The Board members individually thanked Mr. Oram for his leadership, guidance and service over the years and shared best wishes.

## Adjournment

The meeting adjourned by unanimous consent at approximately 9:32 PM.

Respectfully submitted,

*/s/ Sharon Norris*

Sharon Norris  
Administrative Assistant to the Township Manager

Report (After Action) Regarding Procedures  
*Vision Partnership Program Grant Contract*  
Submitted by Supervisor Beth D'Antonio and Supervisor Jim Oram  
Submitted to the Easttown Township Board of Supervisors (BOS)  
November 1, 2021

## INTRODUCTION

The BOS tasked Supervisors Oram and D'Antonio to examine the process for procedural issues that hindered the process and to report to the BOS general recommendations that could provide procedural improvements for similar projects in the future.

## RECOMMENDATIONS

- **Improvement 1a – Clarity of Expectation.** Ensure that future scopes of work reflect the distinction between non-controversial aspirations (for which consensus is achievable) and controversial implementations (for which decisions are made by informed vote of elected officials).
- **Improvement 1b – Clarity of Expectation.** Ensure that future scopes of work reflect the reality that surveys, listening sessions, meetings, and workshops are used to inform decision making by elected officials, are not a substitute for decision making by elected officials, and are not a tool for direct decision making by the participants of the surveys, listening sessions, meetings, and workshops.
- **Improvement 1c – Clarity of Expectation.** Ensure that future scopes of work clearly define the primary project owner and supervisor advocate, who will be responsible for ensuring that the engagement complies with the proposed improvements as well as take ownership of any contracts the Township enters into with outside entities.
- **Improvement 2 – Involvement by Elected Officials.** Ensure that future scopes of work include a charter, “waypoints” or decision making points, and financial control points for involvement of and approval by the elected officials.<sup>1</sup>
- **Improvement 3 – Movement from Broad to Specific.** Ensure that the future processes facilitate making decisions from broad to specific.<sup>2</sup> Those processes should generally evaluate the ramifications of implementation strategies and provide opportunity for involvement by elected officials before a draft is produced. In other words, the draft ordinance should be a midpoint that reflects difficult decisions made by elected officials not the starting point of review by the PC or the BOS. Note that implementing Improvement 2 will achieve this objective.
- **Improvement 4 - Understand the Distinction Between Aspirations and Implementations.** Ensure that future processes reflect that implementation of non-controversial aspirations requires controversial tradeoffs that must be made by elected officials (thru informed public voting).
- **Improvement 5 – Minimize Appearance of Conflict.** Ensure that future processes understand that ad hoc committees can create an appearance that outcomes are tilted (or predefined) by the selection of the members, consider using standing boards and commissions in place of ad hoc committees, and specify membership of ad hoc committees mindful of the appearance of conflict or perceived bias.

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<sup>1</sup> The process should unfold in a manner like the building space analysis in which the elected officials made policy oriented decisions at multiple times (beginning, middle, and end) rather than one time (end).

<sup>2</sup> Again, the comparison is made to the building space analysis in which the decision making flowed from general (do we have needs, what are the needs) to particular (how do we satisfy the needs that were previously identified).

APPROVED BY THE BOARD OF SUPERVISORS ON NOV 1, 2021.

Don Curley  
DIRECTOR OF PLANNING AND ZONING