

Board of Supervisors

April 12, 2023

Minutes

Board Members Present: Scott Lambert, Chair; Rich Orlow, Vice-Chair; and Peter Fixler, Member

Staff Present: Steve Brown, Township Manager; Catherine Ricardo, Assistant Township Manager, Donna Wikert, Operations Manager, Township Secretary; Usha Hogan, Direct of Finance; Zach Barner, Director of Planning and Development; John Mateja, Zoning Enforcement Officer; John Neild, Direct of Public Work; John Nagel, Special Projects; Chris Yeager, Police Chief; Greg Lewis, Fire Chief; Bernadette Kearney, Township Solicitor.

Mr. Lambert called the Zoom meeting to order at 6:40 P.M. Pledge of Allegiance

Board Briefings:

Executive Session(s) were held on April 12, 2023, at 4:30pm (legal, personnel and real estate)

Introducing Catherine Ricardo New Assistant Township Manager – Mr. Lambert Welcomed Catherine Ricardo. Ms. Ricardo comes to us from East Vincent Township where she was the Township Manager and worked at Edgemont Township as Township Manager. She has over ten years of experience in Local Government Administration, she is a graduate from West Chester University where she earned a master’s degree in public administration. She lives in West Chester with her husband and three children. The Board and Township Manager all Welcomed Ms. Ricardo.

Grant Application Updates – Mr. Lambert said we will be providing updates monthly on the Grants we have applied for and received.

Sewer Sale – Mr. Nagel no new updates at this time.

Route 30 Corridor – Mr. Lambert reiterated the Township has applied for a 25-million-dollar grant and should hear something by June 28, 2023.

Campus Master Plan – Gerry Gorski gave an update on the project. Still waiting for permits and signoffs currently. Al Vennettilli from ARRO said he has received signed off two of the authorities, once we get a others needed, he will send to DEP. Mr. Gorski said the architectural is 50% complete, structural is 25% complete and the machinal and electrical is 50% complete. The design team met at the end of March and will have numbers for budget to give the Board for fixates and furniture within three weeks. The improvements to the existing building will hopefully be made in June or July, still waiting on parts.

Status update on Route 29 and Route 30 Beautification Project – Al Vennettilli updated the Board, they are wrapping a prior project up and hoping to start the week of the 17th. This should take maybe one to 10 days to finish.

Public Hearings:

Zoning Map Amendment for the Following Properties:

164 Conestoga Road (Parcel 42-4-42.2) from OS (Open Space) to PO (Professional Office)

Full details of the hearing are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building. Ms. Kearny opened the 164 Conestoga Road hearing and asked to continue this on the record to May 10, 2023. Ms. Kearney reconvened into the regular Board meeting to vote

upon the continuance. Mr. Orlow made a motion to continue this hearing on May 10, 2023. Mr. Fixler seconded; the motion was approved 3-0.

Board Motions & Resolutions:

Consider Offer of Dedication of Public Improvements for the Following Developments:

Reserve at Great Valley on Flat Road (Toll Brothers)

Great Valley Crossing on Church Road (Toll Brothers)

Mr. Barner provided a status update on the two communities, which are currently going through the transition process from the developer (Toll Brothers) to the homeowners associations. The developer has offered the roadways for dedication to the Township. Staff are seeking direction on the willingness of the Board to accept the roadways. What is being considered for acceptance would be only the cartway of the road (i.e. the paved area), curbs, and corresponding storm sewer system within the roadway (inbound of the curbs). Given some of the issues with subsidence and sinkholes throughout the course of the project, the Board may want to consider an additional maintenance period or layer of financial security to help cover the cost of future repairs.

Mr. Orlow expressed a willingness to accept the road with the additional maintenance mechanism. He suggested a period of up to five years. He would like it to be clear that the Township is not accepting sidewalks, stormwater basins, and water or sanitary sewer infrastructure. He added that acceptance of the water and sanitary sewer facilities by Aqua should be a condition of accepting the roads.

Mr. Lambert provided additional comments regarding the Township's evaluation of whether to accept improvements. In certain cases, and on a handful of recent development projects (like Atwater and Knickerbocker) the Township elected not to accept the roadways and other improvements. Mr. Lambert added that sinkhole insurance

Kedar Gokhale, a resident of the Reserve at Great Valley, asked for clarification that the final decision on whether to accept the roadways, etc. would occur next month. Mr. Barner confirmed that this month's discussion was intended to receive guidance from the Board, and that a decision would be made at a future month's meeting.

Mr. Barner advised that coordination with Aqua regarding acceptance (or purchase) of the sanitary sewer facilities is ongoing.

Appointment of Acting Captains Daniel Matthews, Christopher Plumley, and Cody Gable

Chief Lewis pointed out that last year they offered a promotional acting captain test to captains, these three scored 70% or higher and is asking the Board to appoint Captains.

Mr. Fixler made a motion to approve promotions. Mr. Orlow seconded the motion; the motion was approved 3-0.

Chief Lewis update on the Life and Safety inspection program the Board approved in the beginning of the year. There are approximately 1300 commercial businesses in East Whiteland Township, by the end of March we have completed 75 Life Safety inspections, 67 initial inspections, 8 re inspections, and 55 violations, all in 102 hours. The top five violations are for egress emergency lighting, fire alarm lighting, sprinkler system lighting,

exit doors blocked, and sprinkler rooms cluttered causing access issues. Each shift is assigned 10 per month, hoping to finish at least half by end of year.

Consider approval for AFSCME contract Mr. Brown said this should be a ratify the signing took place yesterday. Ms. Rihawi, Mr. Nagel, and Mr. Brown participated in the negotiation. It's a four-year contract and a win-win for all.

Mr. Orlow made a motion to ratify the contract. Mr. Fixler seconded the motion; the motion was passed 3-0.

Consider Acceptance of Proposal from Dooley Pyne for work related to a new ADA Ramp and Front Entry at Gunkle Spring Mill on Moores Road for a price not to exceed \$18,524.61.

Mr. Dore, Chair of the Historical Commission gave a presentation on the Proposal for the ADA Ramp.

<https://www.eastwhiteland.org/DocumentCenter/View/3215/Gunkles-Mill-ADA-Project-presentation>

Questions – Ms. Stauffer made a comment that she loves the idea. One suggestion she had was to consider not using bricks. The bricks are hard to walk on, hard to push wheelchairs and walkers. Mr. Dore said they are considering concrete pavers.

Mr. Lambert asked if there are any major projects, Mr. Dore would be presenting to the Board this year. Mr. Dore said yes, the mill needs some maintenance. The gutter system needs work, and the roof needs to be replaced.

Ms. Stauffer asked where is the money going if this is used for events. Mr. Dore said these are public events not private. There is no heat or bathrooms in this building.

Mr. Orlow made a motion to approve and accept the proposal not to exceed \$18,524.61. Mr. Fixler seconded the motion; the motion was approved 3-0.

Consider Acceptance of Proposal from Elmark for Historic Plaque at the Ebenezer AME Church and Cemetery on Bacton Hill Road for a price not to exceed \$5,863.00.

Mr. Dore, Chair of the Historical Commission gave a presentation on the Proposal for the Historic Plaque at Ebenezer AME Church.

https://www.eastwhiteland.org/DocumentCenter/View/3214/4e_AME-Historical-Marker-presentation

Mr. Lambert mentioned if Mr. Dore can put together some of the information on these projects ahead of time, we may be able to locate some funding sources.

Mr. Fixler made a motion to approve and accept the proposal for the Historical Plaque not to exceed \$5,863.00.

Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider approval of proposal from Terraphase for environmental due diligence services related to the Springridge and Balderston properties \$7,800.

Mr. Brown said this is a proposal for the acquisition effort regarding these two properties. They are associated with the Malvern TEC site it is taking a lot of time a lot of moving pieces. Our attorney Steve Hahn has advised that we seek special liability protection from the EPA. Ninety percent of the funding is coming from the county combined with the Federal Government through the land water and conservation fund. The property is located

across from the High school. We will not be acquiring the super fund site. There are monitoring wells all over the neighborhood in that area.

Mr. Orlow made a motion to approve the proposal not to exceed \$7,800. Mr. Fixler seconded the motion; the motion was approved 3-0.

Direction from Board on additional qualified entities (investment services firms and banks) to invite to RFP for Pension & OPEB Trustees – Township Operating & Capital Investments

Mr. Nagel asked the Board for some guidance on the RFP, he asked for recommendations from the Board of Trustees. It is an invitation request for seven firms to bid on the work.

Mr. Fixler made a motion to approve the RFP. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Motion to Advertise and Motion to Award:

Award recommendation letter for the 2023 Road Paving Contract

Mr. Neild said the opening was April 3. The low bid was for \$459,286.50 from Innovated Contractors, we have used them before. The next bid was \$475,000.

Mr. Fixler made a motion to award the bid to Innovated Contractors. Mr. Orlow seconded the motion; the motion was approved 3-0

Approval to advertise on Municibid 2015 Dodge RAM Truck

Mr. Lambert made a motion to approve the advertising on municibid. Mr. Fixler seconded the motion; the motion was approved 3-0.

Planning & Development (ZB):

Consider Rendering a Decision on the Following Development Applications:

LD-05-2022 for Amended Final Land Development for GVSD 5/6th Grade Center and Recreation Facilities on Swedesford Road

Mr. Barner provided a brief update on the project and turned the floor over to the District's engineer, Chris Jensen. A site meeting occurred in the days leading up the meeting to explore the possibility of retaining a large deciduous tree along the property lines between the two subject properties. Some of the solutions included revisions to the proposed grading of the athletic field and a possible retaining wall around the tree to create a tree well.

Tree is located in an area of extensive grading to create a level playing surface. Currently the excess soil from throughout the site is being used to "fill" (or raise up) the field, whereas shifting the location of the field would result in a "cut" (or lowering) of the field. There would also be complications with contracting, timing, soil disposal, and other factors.

Shifting of the field may also require a need to amend the conditional use approval, mostly related to the location of the trail and the distance between the fields and neighboring residential properties. The trees that were discussed (and retained) during the conditional use process could also be impacted by shifting the location of the field.

Chuck Peterson (Director of Business Affairs) and Dan Goffredo (Superintendent) from the District provide an overview of the timing and sequencing of the overall construction project.

Mr. Fixler asked if the current round of bidding would include the intersection and sight distance improvements at Mill Lane and Swedesford Road.

Chris McKenna, a former educator and coach, cautioned that the tree also creates a potential hazard for lightning.

Mr. Orlow asked for clarification on how this plan relates to the previous approval. Mr. Barner advised that this is an Amended Final Plan to incorporate the proposed recreation facilities into the previously approved plan for the larger project on the adjacent parcel.

Mr. Orlow made a motion to approve the amended land development plan for Great Valley 5/6 excluding Paragraph K & L as conditions. Mr. Fixler seconded the motion; the motion was approved 3-0.

LD-08-2022 for Preliminary / Final Land Development for Shouldice Hernia Repair at 330 Lancaster Avenue

Mr. Barner said this was discussed last month, all conditions have been met and addressed to the satisfaction of the Township engineer.

Mr. Fixler made a motion to approve LD-08-2022. Mr. Orlow seconded the motion; the motion was approved 3-0.

LD-12-2022 for Preliminary / Final Land Development for Janssen at 280 Great Valley Parkway

Mr. Barner said there are a couple project specific mainly compliance with the ZHB, mostly set back. From the planning standpoint, there was a request to defer the construction of the sidewalk until some of the surrounding properties develop and we know how to connect them all to one another. There is language regarding obligation to construct within one year.

Mr. Orlow made a motion to approve LD-12-2022. Mr. Fixler seconded the motion; the motion was approved 3-0.

Consider Extension of Time to Render a Decision on the Following Development Applications:

LD-02-2022 for Preliminary / Final Land Development for 10 Malin Road Office / Flex Building – extension to May 31, 2023

Mr. Barner explained that the Applicant is seeking additional time to revise and resubmit the plans consistent with a sketch plan that shows removal of the southern parking area, thereby retaining additional trees that were proposed for removal.

Mr. Lambert expressed concern with the project – including the proposed tree clearing and the environmental issues on adjacent properties. Mr. Orlow advised that he would review the revised sketch plan regarding the reduced tree removal. Mr. Fixler agreed with the comments from Mr. Lambert.

Mr. Orlow made a motion to except the extension to Mat 31, 2023. Mr. Fixler seconded the motion; the motion was approved 3-0.

Consider Final Release of Financial Security for the Following Developments:

60 Three Tun Road (Lot 2) in the amount of \$36,477.51 (Cash)

Mr. Fixler made a motion to approve the release of funds. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Motion to Authorize Advertising for the Following Ordinance Amendments:

Subdivision and Land Development Ordinance regarding Sound and Vibration Study for hearing to be held on May 10, 2023

Mr. Orlow asked what specific led to this. Mr. Barner said no, the intent is to better understand large commercial and industrial buildings and the impact they have on surrounding properties.

Zoning & Code Enforcement:

Consider Sending Township Solicitor to Zoning Hearing Board to Support of Oppose: Code and Property Maintenance Enforcement update

Mr. Mateja has been collecting illegal signs that were placed in the right of way throughout the town. He has been contacting these Business directly to curtail further violation and issuing enforcement notices when necessary. The Pioneer Gas Station is still waiting for the arrival of sensors that will help complete the repairs and equipment upgrades. DEP has approved them for restoration. Once these parts are delivered the ground can be closed and the station reopened. The question from the Board was can the mound of dirt sit like that for an extended period or is there nothing we can do. Mr. Mateja said on the dirt itself, it was left there to air out and test, so they can't remove it until it was approved by DEP to any other site. The work itself should only take about 4 weeks, once they get the parts, they can complete the project.

Public Comment:

Carol Armstrong asked if Bishop tube is in process of being sold or has it been sold. Mr. Lambert said no to his knowledge Mr. Orlow said no also. She asked when the Board would be aware of a sale if there was one. Mr. Orlow said the earlier when someone has it under agreement or when we see it after the transaction. The odds are we would hear about it when it's under agreement.

Kate Stauffer asked about the old warren property 54 Conestoga is still on well. Did we know anything about that before the house went up on this property. Are they hooked up to sewer. Mr. Brown said they will be connected to public water. She said until they are hooked up to sewer what are they doing? Mr. Orlow asked if a new house had been built there. Kate said yes, they were going to knock on the door and see if they were aware of what they were sitting on, the property is contaminated. She is concerned about the people living there. Why would we give a permit on toxic land. Mr. Taylor from the solicitor office said that when listed for sale it was very clear there was no pourable water on the site due to Bishop tube contamination.

Bob Logan asked again if anything was done from a request from December, the issue has to do with the safety of driving on King Road and 352. He asked where this stand. Chief Yeager said he proposed he would look at this intersection if anything could be done on this. He said he was working with Bowman and PennDOT, he

isn't clear what was decided if anything. This must go through PennDOT, they own this road. These roads are state roads. The Chief said he will bring it to the attention of PennDOT again.

Deb Mobile, she is looking forward to the update on Bishop Tube. She is still concerned with the security of this site. She asked the Board to please come visit her and do a walk through the site, so they can see with their own eyes. Kate Stauffer said no matter what we put up fence wise they are going to get in.

Kedar Gokhole, question on school buses stop on Lapp Road and received letter saying they will not be making that stop anymore. Because between 7 -9 you cannot make that left or right on Lapp Road to Sidley. He is asking what can be done or how to approach this. Mr. Barner said he spoke to the school district; we will follow up with the school district again to discuss the traffic issues specifically. Maybe we can exclude buses from those signs.

Mr. Brown said he spoke to DEP's representative on the Bishop Tube meeting. They said they will hold a public meeting; they do not have a location or format at this time.

Consent Agenda (Consider Board Action):

Approve meeting Minutes from March 8, 2023

Ratify Payment of Bills (UH): \$ (689,247.47)

Accept Treasurer's Report for February 2023

Ratify Acceptance of Proposal from RT Environmental Services, Inc. for Soil Delineation Investigation for a price not to exceed \$9,220.

Approve payment no. 10 to Meco Constructors for construction services at Bacton Hill Park in the amount of \$106,972.46 for a total payment to date in the amount of \$1,438,341.55 out of a total contract of \$1,589,503.

Approve Authorization to submit Technical Evaluation Grant (TEG) application to DEP for further review of Bishop Tube remedial action plan.

Question from Barbara Arnold asked what this is for. Mr. Brown said we applied for this grant several years ago and were awarded \$50,000 and hired BSTI and spent this. Since last fall BSTI have already done review work and we believe we are entitled to additional monies. The DEP states we are eligible for \$50,000 per operable unit. We are asking for another \$100,000; we believe we are eligible for it. We will have another public meeting on our own. Mr. Orlow said if you get a chance to look at BSTI report it is well worth looking at it.

Ratify action signing New National Opioid Settlements with Teva, Allergan, CVS, Walgreens, and Walmart Participation Package

Approve purchase of Two Motorola Radios for Firehouse \$13,039.28

Ratify the sale of 2014 Dodge Truck (\$14,000)

Ratify purchase of 2023 Dodge Durango from New Holland Auto in the amount of \$43,791

Consider approval to enter into an agreement with Workspace for permission to park vehicles on 1 Country View Road property for summer concert series and movie night in Valley Creek Park

Consider approval to enter into an Agreement for Township Indemnification with Locust Lane Brewing to permit sales of alcohol at summer concert series and movie night in Valley Creek Park

Consider waiver of Township Park Policy related to alcohol for summer concert series and movie night in Valley Creek Park

Mr. Orlow made a motion to approve the Consent Agenda as read. Mr. Fixler seconded the motion; the motion was approved 3-0.

Meeting Adjournment – 9:20

Donna Wikert