

Board of Supervisors  
EAST WHITELAND TOWNSHIP  
Minutes  
August 14, 2019

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Board Members Present: Sue Drummond, Chair; Scott Lambert, Vice-Chair; and Rich Orlow, Member.

Staff Present: John Nagel, Township Manager; Cathy Kleponis, Finance Director; William Steele, Public Works Director; Cathy Kleponis, Finance Director; Steve Brown, Zoning Officer; Zach Barner, Director of Planning; Donna Wikert, Asst. to the Township Manager; John Walko, Solicitor; and Chris Yeager, Chief of Police.

Ms. Drummond called the regular meeting to order at 7:10 P.M.

Ms. Drummond along with Mr. Cockerham swore in Brennen Judge as Volunteer Fire Police.

**Board Briefings:**

- Noah Levine, provided a brief update on what Krissy Houlahan has been doing in Washington. Krissy's district encompasses all of Chester County; all 73 municipalities, including Reading and Berks County. Krissy's staff will visit every single township in the municipality by September, providing updates and answering any questions or concerns.
- Bill Steele mentioned the milling and paving will begin 8/19/19, weather permitting. The contractor is Innovation Constructions and they will notify the residents 3 days prior. The list of roads will be posted on the township website.
- 2020 Exton Park Community Day: West Whiteland Township is inviting us to participate in a joint event in July 2020. Ms. Drummond went to the Community Day in West Whiteland and is looking forward to East Whiteland being part of this event in 2020.
- Trout unlimited proposal to place water quality monitor in Ecology Park: Frank Donohue representing Valley Forge Chapter Trout Unlimited. This project requested \$10,000 with matching funds of \$11,487. This is a monitoring project to conduct a baseline monitoring program and trout study of Valley Creek. The study area will run between headwaters of Valley Creek to PA Route 29, Morehall Road. The Stroud Water Research Center Mayfly data loggers will establish a baseline physical and biological assessment of the stream in the development area that can then be used to measure changes to the health of the stream over time. Mr. Walko said the Township should have a written agreement drafted up, for our protection since this request is to install on Township property. Mr. Walko will have something drafted. Mr. Donohue said residents will have access to this information.

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**Board Motions & Resolutions:**

- Approve Motion to advertise for 2019-2020 Heating Oil and Diesel Fuel Bid.  
Mr. Orlow made a motion to approve advertisement for 2019-2020. Mr. Lambert seconded the motion; motion was approved 3-0.
- Reject Bid for 2003 Freight liner dump truck with snowplow and salt spreader through Municbid and then Donate truck to EWTVF association. The Volunteer Fire Company requested the dump truck with salt spryer also. The staff is recommending instead of awarding this bid we would donate to the EWT Volunteer Fire Company. Mr. Orlow made a motion to reject all bids for the 2003 dump truck. Mr. Lambert seconded the motion; motion was approved 3-0. Mr. Orlow then made a motion to donate the 2003 dump truck to the EWT Volunteer Fire Company. Mr. Lambert seconded the motion; motion was approved 3-0.
- Garry Sheridan, President of East Whiteland Fire Company, wanted to discuss the possibility of changing the East Whiteland Fire Company name to Great Valley Fire Company. Their members believe this would result in residents contributing more money, and fundraising would pick up. In addition, Garry said they think that the re-branding would possibly bring in new members. Gary wanted to know how the board would feel about this change. The Board expressed how proud they are of East Whiteland Fire Company and its identity; they don't want to see the name changed.

**Consider Sending Township Solicitor to Zoning Hearing Board to Support / Oppose:**

- Appeal No. 2019-12: To clarify the Board of Supervisors position on the Application of Planebrook Partners, LLC for a variance from Ordinance Section 200-21, to permit the construction of a two-story daycare facility with associated stormwater management and parking, on the property owned by Andrew M. Bartholomew, II and William B. Bartholomew, located at 105 Church Road, Malvern, PA within the R-1 – Low Density Residential District.

This is back on the Agenda to clarify what the Board's intent is on this issue. Mr. Walko explained the applicant will agree to what the Board would prefer. The question was, does the board want McMahan to review the plan prior to the Zoning Hearing Board deciding it's use or wait till use is granted for McMahan to review the land development process; either way McMahan will be reviewing the plan and the applicant will have to comply with the recommendations of our traffic engineer. If the Board wants to do this prior to the Zoning Hearing Board then a sketch plan would be submitted to McMahan asap. If the Board is fine waiting for the land development process and the use is approved, McMahan would review and whatever they would require, the applicant would have to agree to as a condition of their Zoning Hearing Board approval. The Board all agreed with McMahan reviewing the plan sooner than later. The Board is relying on McMahan's opinion as to whether the traffic issue based upon their review prior the ZHB would be sufficient to address any concerns and the applicant agree with any comments and recommendations that McMahan would have. The applicant has no problem with this being a condition. Mr. Walko said no motion needed, just need to make sure there is clarity from the applicant side and from the staff side again that we understand that as the

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option so we will make sure that's put into place and the applicant is here and does not have a problem with that being the conditions.

- Appeal No. 2019-13: Application of West Chester Dragons Baseball Club for a special exception pursuant to Section 200-40.B and 200 Attachment 8:1 (Table of Permitted Uses) of the Township Ordinance, for a special exception to permit the establishment of a private, non-commercial and not-for-profit indoor recreational club use, as a use of the same general character as other permitted uses, but not specifically provided for, on the property currently owned by Chester County Fund Inc., at 30 Three Tun Road, Malvern, PA located within the I – Industrial District.

Mr. Brown said this is cut and dry no need for the Solicitor to attend.

- Appeal No. 2019-14: Application of Green Fig Land, LLC and / or Whiteland Holdings LP for relief pursuant to Section 200-115.J of the Township Ordinance, for an extension of time to file subdivision / land development applications and plans relating to previous relief partially granted by the Zoning Hearing Board at Appeal No. 2018-12 for construction and operation of a data center on portions of property currently owned by Whiteland Holdings, LP, located on the south side of Swedesford Road, Malvern, PA located within the Institutional (INS) - Continuing Care Retirement Community (CCRC) District.

Mr. Brown said this was before the board over a year ago and all variances requested were granted. In February 2019, The Zoning Hearing Board said if they needed to come back again for an extension; then they would need to go back to the board to make sure they are still onboard. The Board is all in favor of this Data Center and there is no need to send the solicitor.

- Proposal from BSTI (Brownfield Science and Technology Inc.) (Township TEG consultant) to perform preliminary review work ahead of DEP release of administrative record.

Mr. Brown explained that the amount of information for BSTI to start reviewing that it would only make sense to start early to any work done before the 90-day report is released from DEP. The Township will be responsible for the cost of this which will be \$6300. The Board agreed.

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

**Public Hearings:**

- New Definition Medical Office & Medical-Related Uses, add as a permitted use in the FC District #319  
<https://ecode360.com/EA1727/laws/LF1107417.pdf>

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Mr. Orlow made a motion to adopt Ordinance #319. Mr. Lambert seconded the motion; motion was approved 3-0

- New Definition of In-Law Suite with Corresponding Guidelines #317

<https://ecode360.com/EA1727/laws/LF1107418.pdf>

Mr. Orlow made a motion to adopted Ordinance #317. Mr. Lambert seconded the motion; motion was approved 3-0

**Planning & Development:**

- Consider Rendering a Decision for the following Applications:

2019-10-CU for 400 Three Tun Road – Conditional Use

Residents are concerned with the taking down of trees and replacing with curb side trees elsewhere, there's a difference between taking down trees in a forest. They are just asking to preserve as much trees as we can.

Mr. Orlow made a motion to approve the conditional use application subject to conditions strictly of the order especially with regard to tree replacement. Ms. Drummond seconded the motion. Mr. Lambert opposed; the motion passed 2-1.

- Consider Approval of the following Applications:

2018-13-LD for “Old Orchard Mobile Home Expansion” – Preliminary / Final Land Development

Residents are very concerned about not having a playground to offer the families considering they won't have a connection to any trails. Fee in lau doesn't seem fair, paying into a system the children can't go to seems distressing. Stacey Ballard with Eadeh Enterprises, explained that the diagram isn't representing that there is green space between each mobile home other than where the streets are marked green. Some of the families have swings sets and the children do play in these areas.

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

2019-12-LD for “Vanguard Malvern West Expansion” – Amended Final Land Development

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

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Consider Extensions of Review / Decision Timelines for the following Applications:

2019-11-LD for “215 South Phoenixville Pike” - extension to November 18, 2019

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

Bishop Tube / Malin Road – extension to February 28, 2020

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

Consider Endorsement Resolution #50-2019 of “Landscapes3” – Chester County Comprehensive Plan Update

Mr. Lambert made a motion to approve the Landscapes3 plan update. Ms. Drummond seconded the motion; the motion was approved 2-0. Mr. Orlow abstained, he had not read through this plan.

**Public Comment:**

Mr. Lutz, resident gave a presentation regarding how and where there can be a connection to cross under Route 29 and how it would benefit the community. You would have to walk through a tunnel, with shallow water. The Board said it would be great to figure out a way to cross under Route 29.

Valerie Carlin and two other residents from Atwater, wanted to know if and what can be done to control the infestation of the Spotted Lanternfly. Mr. Brown mentioned we have staff looking into this and are providing as much information as we can, we have information on our website and much of this is coming from Penn State and the State of PA. We are all educating ourselves, Ms. Carlin suggested someone from the township go to Valley Creek Park and look at the covered trees just to get a firsthand look.

**Consent Agenda:**

- Approve Meeting Minutes from July 10
- Approve Resolution #48-2019 Amending the 2019 Capital and Sewer Reserve Budgets to make appropriations for expenses that were budgeted in 2018 and carried over into 2019
- Approve Revision of Resolution #49-2019 Water Shutoff Policy that was approved in February 2019
- Acceptance of the Treasurer’s Report : As of June 30, 2019

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- Ratify Payment of Bills: \$602,093.88 (July 2019)
- Approve Procurement Card Agreement
- Approve Invoice from Harrisburg Office Furniture for Office Modular Building (\$29,866)
- Approve the Chester County Consortium award to Eastern Salt Company for sodium chloride and award to Chemical Equipment Company for Enhanced Deicer

Mr. Orlow made a motion to approve the consent agenda as read. Mr. Lambert seconded the motion; motion was approved 3-0.

**Announcements:**

Executive Session(s) were held on August 14, 2019 5pm (to discuss personnel, real estate and legal matters)

**Meeting Adjournment: 9:15P.M.**

**Donna Wikert**

**Board Secretary**