

EAST WHITELAND TOWNSHIP  
REGULAR MEETING  
February 11, 2009

Chair, Virginia McMichael called the meeting to order at 7:08 p.m. William Holmes, Vice Chair, John Mott, Member, Lauren E. Wozniak, Township Solicitor, Terry Woodman, Township Manager, William Steele, Public Works Director, Eugene Dooley, Police Chief, and Mary Lou Knight, Assistant Township Secretary, were present. There were approximately twenty (20) people in the audience at the onset of the meeting.

Everyone recited the pledge of allegiance.

Mr. Holmes made a motion to approve the Minutes of the Regular Board Meeting of January 14, 2009. Mr. Mott seconded and the vote was unanimous.

ANNOUNCEMENTS

The Chair announced the following:

- The Township Building will be closed on Monday, February 16, 2009 in observance of Presidents Day.
- A representative of the Central Tax Bureau will be in the Township Building on Monday, April 6, 2009 between 9:30 a.m. and 1:00 p.m. to assist residents with questions about their 2008 Earned Income Tax final tax returns

PUBLIC COMMENT

Betty Colmery of 1 Kane Drive asked the Township to review the need for an existing stop sign at her location. Discussion ensued. The Chair asked Mr. Steele to make a determination on this request.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND  
TOWNSHIP OFFICIALS

Introduction of New Police Officer

Chief Dooley introduced Tyler Nace as the Township's newest full-time police officer. He gave background on Officer Nace and indicated that he has served as a part-time officer with the Township since 2006. The Board welcomed Officer Nace.

### MS4 Report Update

The Township Engineer, Surender Kohli, brought the Board up to date on the Township's progress toward completion of the mandatory program instituted by the United States Environmental Protection Agency (USEPA) called the National Pollutant Discharge Elimination System (NPDES) Permit. The Township began instituting steps toward program compliance in 2003 and is currently in its sixth year of the program. The original date of completion has had two (2) one-year extensions, thus the new expiration date for the program is March 9, 2010. The Township must have completed all required program elements by that time. Mr. Kohli outlined the six (6) protocols as follows:

MS1 – Public education and outreach on stormwater impacts

MS2 – Public involvement/participation

MS3 – Illicit discharge detection and elimination (IDD&E)

MS4 – Construction site stormwater runoff control

MS5 – Post-construction stormwater management in new development and re-development

MS6 – Pollution prevention/good housekeeping for municipal operations

- Terry Woodman, Township Manager, continues to implement the education and public participation elements (MS1 & MS2) of the Program. She is working with the Chester-Ridley-Crum (CRC) Watershed Association which assists the Township with the education and public participation requirements.
- Illicit Discharge Detection and Elimination (IDD&E) is being implemented by Kohli and Associates. They have conducted primary and secondary inspections of 55 outfalls in year 6 and are in the process of compiling the data, which will be incorporated in the Annual Report due June 9, 2009. Mr. Kohli will continue to complete the testing of outfall inspected in year 3 and any other remaining outfall in year 7 to complete the testing (approximately 60 outfalls are left).
  - Mr. Kohli is implementing Storm Management Ordinance 180-2006 which prohibits the discharge of non-stormwater into the Township storm sewer system.
  - IDD&E educational information is available in the Township building lobby for residents and contractors.
- Construction Site Stormwater Runoff Control (MS4) Plans are reviewed by the Township Engineer for its compliance with the ordinances. Mr. Kohli also coordinates the Erosion and Sediment Control Design Plans with Chester County Conservation District.

- Post construction stormwater management in new development and re-development (MS5) are implemented during and after construction. Applicants are required to submit an As-Built Plan for a completed project which is reviewed by the Township Engineer for its compliance. The O&M agreements are recorded which outline the responsibility requirements.
- Pollution prevention/good housekeeping for municipal operations (MS6) is updated as necessary.
- An operation maintenance inspection and repair program for all municipal owned stormwater facilities and an operation and maintenance program for municipal vehicle/equipment operations, fueling and washing activities were adopted in year five and are being implemented by the Township Public Works Division.

Discussion ensued. Mr. Steele indicated that an Eagle Scout has volunteered to help the Township by affixing markers to inlets. On behalf of the Board, Ms. McMichael thanked Mr. Kohli for his work already done and work to be done toward completion of this project.

#### East Whiteland Fire Company

Ken Battin gave the Fire Company report. He indicated that the Township has received a \$6,000.00 six month training grant which is currently being administered on line. He briefly summarized the training topics.

#### Environmental Advisory Council

Chris Roe reported on the activities of the Environmental Advisory Council (EAC) with regard to the Bishop Tube site. He named some of the companies that have done manufacturing on the site. Johnson Matthey has come forward as a Responsible Party and will do off site investigation. In general, it seems that contamination has migrated in the ground water flowing in a primarily easterly direction. The contaminant involved is TCE, and it seems that the contamination is originating from the Bishop Tube property. Representatives from Johnson Matthey attended a recent EAC meeting. Starting in March, they will be doing indoor air sampling at properties closest to the site. TCE is a volatile chemical which sinks to the bottom of the ground water but then migrates to the surface. Stream and shallow well sampling will also be done as well as geophysical testing which will look to identify cracks and fault lines in the rock. Five well clusters will be placed and tested. Mr. Roe indicated that this work is a major undertaking. O'Neill Properties had agreed to put in a system which would remediate in the shallow subsurface under hot spots on the property. The system is not yet running consistently. TCE levels are very high at the site and it is a very difficult chemical to clean up. The DEP is moving forward to identify other responsible parties. Discussion ensued questioning, if testing should be done at the Worthington site, and a resident along Birch Road asked if there were any health issues there. Mr. Roe answered that it is believed that that area is not a problem. Ms. McMichael thanked Mr. Roe for his report.

Ms. McMichael called a break in the meeting at 8:00 p.m. The meeting resumed at 8:05 p.m.

#### On-lot Septic System Maintenance Program

Mr. Steele indicated that an Ordinance has been adopted and the program is being implemented. The program is mandated by the DEP and requires each municipality to enforce maintenance and management of on-lot septic systems. One of the requirements is that all septic systems must be pumped every three years. The Township will be responsible for enforcing maintenance by the homeowners who, in turn, will be notified of this requirement. Haulers will be responsible to report to the Chester County Health Department. The CC Health Department will provide a four year list to the Township.

#### DARE Program

Ms. McMichael described the DARE Graduation of the fifth grade at K. D. Markley School on February 2, 2009 and reported that it was very well attended. She thanked the Desmond Hotel for their sponsorship.

#### ACCEPTANCE OF THE TREASURER'S REPORT

Ms. Woodman summarized the Treasurers Report. Mr. Lokken indicated that a certificate of deposit will be rolled over and placed with Harleysville Bank at an improved rate. Mr. Mott made a motion to accept the Treasurer's Report dated January 31, 2009. Mr. Holmes seconded and the vote was unanimous.

#### APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Holmes questioned some large outlays, and Mr. Lokken indicated that some bills are paid yearly. Mr. Holmes made a motion for approval of General Fund Voucher No. 2009-2G, Sewer Fund Voucher No. 2009-2S, and Payroll Fund Voucher Nos. 2009-1, 2 and 3. Mr. Mott seconded. The vote was unanimous.

#### NEW BUSINESS

- a. Use of floor drains and their connection to the sanitary sewer system. – Lou Colagreco was present representing O'Neill Properties and future tenants at the Worthington project. Presently the Township code prohibits the use of floor drains unless absolute necessary. The code was implemented in 1977. An issue has arisen, and that is that future tenants have requested floor drains for sanitary purposes in food handling areas, public rest rooms and other spaces over and above what is outlined in the code. Mr. Colagreco is asking the Township to take under consideration the request that this standard be modified. He suggests that requests for changes can be made on a case by case basis before the Board or the code can be amended. Wegman's Food Markets has expressed a keen interest in having

additional drains in their facility. Considerable discussion ensued regarding the reasoning behind the Ordinance as it stands. Ken Battin gave the background on how this issue has been handled in the past and described his work with Wegman's. Mr. Colagreco stated that Wegman's will revisit this issue with the Board. He pointed out that the sewage system at Worthington is privately owned and is in the East Whiteland sewer system for an extremely short time before going on to the Valley Forge Sewer Authority. EDU use at Worthington was discussed. Ms. McMichael feels that she needs more information. She feels that the questions are whether the rationale behind the Ordinance is still valid after thirty years; are the standards still relevant; and where is East Whiteland in relation to other municipalities on this subject. Mr. Holmes felt that the Ordinance should be reviewed. Mr. Mott agreed that the code being used in other municipalities should be investigated. Discussion on this subject will continue at the March meeting of the Board.

- b. As a matter of information, Ms. Woodman indicated that a meeting was held involving Mr. Lincke, Mr. Colagreco, Mr. Kohli, Ms. Woodman and a representative from O'Neill Properties revolving around restructuring the phasing of O'Neill Properties' escrow payments. Ms. Woodman outlined the changes being requested and indicated that Mr. Kohli is reviewing the worksheet and will have to give his approval before the document is amended. As the standard escrow form will not be used, the Township Manager indicated that the Board will be asked to sign a form being structured by the Township Solicitor and in conjunction with Mr. Kohli's approval.
- c. Authorize the Township Manager to sign a Letter of Agreement between the East Whiteland Township Historical Commission and the Transcontinental Gas Pipe Line Company, LLC regarding a Demolition Permit Application for the Mannix Property at 76 Bacton Hill Road Messrs. Walsh and Franzini were present representing the Malvern Hunt Homeowners Association. They are concerned that should the demolition go forward, the land would be put to use for storing pipe, not only for the current project planned by Transcontinental, but as a storage and delivery yard in the future. They are concerned about the impact on the community if this goes forward. Considerable discussion ensued regarding next steps available to the residents. Ms. Woodman indicated that the Historical Commission has signed off on the agreement. Mr. Holmes made a motion authorizing the Township Manager to sign a Letter of Agreement dated January 13, 2009 between the East Whiteland Township Historical Commission and the Transcontinental Gas Pipe Line Company, LLC regarding a Demolition Permit Application for the Mannix Property at 76 Bacton Hill Road. Mr. Mott seconded and the vote was unanimous.
- d. Advertise Public Hearing - Ms. McMichael made a motion to advertise a public hearing to be held on March 11, 2009 to consider the transfer of a liquor license to Wegmans Food Markets, Inc. Discussion ensued. Mr. Holmes seconded the motion and the vote was unanimous.

- e. Advertise Public Hearing – Mr. Mott made a motion to advertise a public hearing on March 11, 2009 to consider changes to fines for parking in a handicap space and for parking on roads during a snow event. Mr. Holmes seconded. The vote was unanimous.
- f. Discussion of Street Light Fees. – The Township Manager outlined the information contained in the 2008 fees and cost analysis. She indicated that street light fees have not been increased in many years and, therefore, have not kept up with billing costs. Considerable discussion ensued. Ms. McMichael made a motion to authorize the increase of fees for the street light fund as set forth in the attachment to the Minutes of the Meeting titled Street Light Fund 2008 Fees and Cost Analysis, and authorizes the Township Manager and staff to issue bills, together with an appropriate explanation. Mr. Mott seconded and the vote was unanimous.
- g. Award bid for wide-format printer – Seventeen (17) bids were received on the printer. Ms. McMichael made a motion to award the bid for the wide-format printer to the highest bidder, the North Huntingdon Township Municipal Authority in the amount of \$662.99. Mr. Mott seconded and the vote was unanimous.
- h. Resolution 11-2009 – Ms. Woodman indicated that in order to gain access to the software necessary to complete the Township’s cool cities analysis, the Township must join ICLEI at a membership cost of \$600.00. Discussion ensued with questions about the ICLEI organization from Mr. Mott. Mr. Holmes made a motion to adopt Resolution 11-2009 stating that East Whiteland Township, Chester County, Pennsylvania will join ICLEI as a full member and pledges to take a leadership role in promoting public awareness about the causes and impacts of climate change. Ms. McMichael seconded. The vote was in the majority with Mr. Mott abstaining.

#### OLD BUSINESS

Worthington DCED Grant Administration – Ms. Woodman indicated that she had a meeting with the Chester County Economic Council. The Township Manager explained the billing process involved with grant administration and indicated that the Township would be liable for any overages above the 3% of the total amount allowed for grant administration. In cooperation with O’Neill Properties, it was determined that the Township would withdraw its name as grant applicant and the Chester County Economic Council would take over this role.

The meeting was recessed at 9:40 p.m.

#### PUBLIC HEARINGS

Court reporter, Ann Calligan reported all testimony.

- a. Consideration of amendments to the Police Pension Plan.

The hearing was called to order at 9:42 p.m. and, at the conclusion of testimony, the hearing was closed at 10:03 p.m. The public meeting was reconvened and a motion was

made by Bill Holmes, seconded by John Mott and approved unanimously to adopt the Ordinance amending the Police Pension Plan.

b. Consideration of amendments to Chapter 154 of the Township Code titled “Sewers and Sewage Disposal”

At 10:04 p.m. the public hearing was opened and at the conclusion of testimony, the hearing was closed at 10:08 p.m. The public meeting was reconvened and a motion was made by John Mott, seconded by Bill Holmes and approved unanimously to approve the Ordinance amending the Township sewer and sewage disposal regulations.

There being no further business, Ms. McMichael made a motion to adjourn the meeting. Mr. Holmes seconded. The vote was unanimous and the meeting adjourned at 10:10 p.m.

Respectfully submitted,

Mary Lou Knight  
Assistant Township Secretary