

EAST WHITELAND TOWNSHIP
REGULAR MEETING
August 19, 2009

Chair, Virginia McMichael called the meeting to order at 7:00 p.m. William Holmes, Vice Chair, John Mott, Member, Bereth Graeff, Township Solicitor, Terry Woodman, Township Manager, William Steele, Public Works Director, and Mary Lou Knight, Assistant Township Secretary, were present. There were approximately seventeen (17) 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 July 8, 2009. Mr. Mott seconded the motion and the vote was unanimous.

ANNOUNCEMENTS

- Mr. Mott noted that the concert planned for August 13th was rained out and will not be rescheduled. Currently there are no rain dates for concerts.
- Mr. Holmes announced that publication of a Township newsletter will begin in October. Township residents may also access information via the Township website at www.eastwhiteland.org.

PUBLIC COMMENT

Chuck Layman asked if there was an update on the proposed slip ramp. Ms. Woodman replied that information might be forthcoming in January 2010. Mr. Layman pointed out that it is difficult to get through to the contractor for AQUA when a problem surfaces which requires their help. Mr. Steele suggested that AQUA should be contacted directly and, if necessary, his office will interface with AQUA on behalf of the residents. Mr. Layman observed that a bottleneck occurs in the morning hours (8:00 a.m. – 8:30 a.m.) at Swedesford Road and Rt. 401. He suggests a possible solution might be signage reading “do not block intersection”. Ms. McMichael responded that the Township traffic officer will look at this. Mr. Layman also asked if the channel used to broadcast Township meetings could be posted to the Township website, and Ms. Woodman responded in the affirmative. Regarding the proposed new Township building, Mr. Layman was of the opinion that the Board should do nothing which would increase residents’ taxes.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND
TOWNSHIP OFFICIALS

Chief Ken Hurley gave the East Whiteland Volunteer Fire Company report. Additional news worthy of note includes the delivery of a baby in the back of an ambulance; a Fire

Prevention Open House scheduled for October 3, 2009 (details on the Township website); Volunteer Fireman Keith Braud received a \$1,000 scholarship for his school from the Main Line Foundation; and Keystone Volvo applied for and received a grant for a new CPR mannequin which was presented to the Fire Company.

ACCEPTANCE OF THE TREASURER'S REPORT

Ms. Woodman summarized the Treasurers Report. Mr. Mott made a motion to accept the Treasurer's Report dated July 31, 2009. Mr. Holmes seconded and the vote was unanimous.

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Holmes made a motion for approval of General Fund Voucher No. 2009-8G, Sewer Fund Voucher No. 2009-8S, and Payroll Fund Voucher Nos. 2009-14, 15 and 16 Mr. Mott seconded. The vote was unanimous.

OLD BUSINESS

- a. Status Update on Completion of Fieldbrooke Improvements – Joe Ryan, Esq. and Bo Erixson were present representing Benson Companies. Mr. Erixson gave an update on work completed. Mr. Kohli has completed his inspection. Linda Furey, Fieldbrooke Homeowners Association, outlined the HOA's concerns of items to be completed before dedication takes place. They involve issues with Basin #4 and completion of planting of all trees as shown on the original landscape plan. Ms. Woodman spoke to the issue of trees and indicated that there are more trees planted than required. It is the HOA's contention that all trees must be planted as originally shown. Discussion ensued. On the issue of the functionality of Basin #4, Mr. Ryan indicated that the Township is holding an eighteen (18) month maintenance bond in the amount of \$95,000. Discussion ensued regarding landscaping changes done by the homeowner of Lot #12 resulting in Benson Companies having to re-grade the top of the basin in order to meet engineering criteria. Ms. Furey revisited the issue of trees being planted as originally shown on the plan. She stated that homeowners were sold the property and sold a plan that showed the trees in a particular place, and that's their expectation. Ms. McMichael said she was unclear on whether location of trees on a plan as filed with the Township is binding on the developer or not. If so, the Township can require the developer to comply. Conversely, case law may indicate that it is commonly accepted that trees shown on a plan commonly get moved on site depending on site conditions. The Township solicitor will get an opinion on this issue. Ms. Furey indicated that the community did not want turkey wire around the storm water basin. Ms. McMichael recapped the discussion.
- b. Status of Zoning Ordinance Regulation Revisions for Signage and Alternative Energy Generators – Ms. Woodman indicated that minor changes were made to the Ordinances and it is once again with the Chester County Planning Commission for their review. It will then go to the Township Planning Commission. It is expected that it will be ready

for a hearing at the October meeting of the Board. Ms. McMichael spoke to the need for revision of the Ordinance.

NEW BUSINESS

- a. Resolution No.18-09 – Joe Ryan, Esquire was present representing the applicant. Ms. Woodman read Mr. Kohli’s letter dated August 19, 2009 recommending that the Township accept the Deed of Dedication. Mr. Mott made a motion to adopt Resolution No. 18-09 accepting Deeds of Dedication for Weightman Drive and Morris Lane and sewers in the Fieldbrooke Development. Mr. Holmes seconded and the vote was unanimous. Mr. Holmes made a motion to accept a sanitary sewer easement over lot 11 in the Fieldbrooke Development, Mr. Mott seconded and the vote was unanimous.
- b. Reimbursement and Indemnification Agreement with Chester County – Kristin Camp, Esquire was present representing Chester County. She gave details of a crossing of the Chester Valley Trail at Rt. 401 in the Township and the installation of a flashing signal to be installed at the crossing. The County will bear the expense of the design, permitting, construction and installation of the signal. The Township is being asked to maintain the signal, and, all costs associated with this maintenance will be reimbursed by the County. Discussion ensued regarding indemnification and insurance. Discussion continued regarding insurance coverage on the trail system and safety design of other trail crossings in the Township. Ms. Woodman suggested that information on signal construction be included in the October issue of the Township newsletter. Mr. Holmes made a motion authorizing the Township Manager to sign the signal permit plan. Mr. Mott seconded and the vote was unanimous. Ms. McMichael made a motion to authorize the Township Manager to sign the standard PennDOT agreement for traffic signal maintenance. Mr. Mott seconded and the vote was unanimous. Mr. Mott made a motion to adopt the Reimbursement and Indemnification Agreement for a traffic signal at the Rt. 401 crossing. Ms. McMichael seconded and the vote was unanimous.
- c. Resolution No. 19-09 – Mr. Holmes made a motion to adopt Resolution No. 19-09 authorizing the application for a permit to install and operate a flashing warning device. Mr. Mott seconded. The vote was unanimous.
- d. Resolution No. 20-09 – Lou Colagreco, Esquire and Steve Forster were present representing O’Neill/Worthington. Mr. Colagreco summarized the HUD Concentrated Development Area Designation under the HUD 220(d) Mortgage Insurance Program and its benefit to O’Neill. Discussion ensued with further explanation by Mr. Forster. Mr. Mott made a motion to adopt Resolution No. 20-09 requesting that the U.S. Secretary of the Department of Housing and Urban Development Designate Uptown Worthington a Concentrated Development Area. Mr. Holmes seconded. The vote was unanimous.

The meeting was recessed at 8:10 p.m.

PUBLIC HEARINGS

Court reporter, Elaine Parrish reported all testimony for the following hearings.

- a. Consideration of the transfer of a liquor license into the Township to be used at Bensie Restaurant in Uptown Worthington

At 8:25 p.m. the public hearing was opened and, at the conclusion of testimony, the hearing was closed at 8:35 p.m. The public meeting was reconvened and a motion was made by John Mott, seconded by Bill Holmes and carried unanimously to approve the transfer of a liquor license to be used at Bensie Restaurant in Uptown Worthington.

- b. Conditional Use hearing to consider Brandywine Operating Partnership's request to permit reserve parking in a proposed parking structure, pursuant to Section 200.71 of the Zoning Ordinance, to be built at 50-52 Swedesford Road

The public hearing resumed at 8:38 p.m. and at the conclusion of testimony, the hearing was closed at 9:25 p.m. The public meeting was reconvened and a motion was made by John Mott, seconded by Bill Holmes and carried unanimously to permit Brandywine Operating Partnership's request to permit reserve parking in a proposed parking structure.

The business meeting was reconvened.

PLANS

- a. Revised Preliminary/Final Land Development Plan – Lawrence Dunn - The plan is for a new 9,250 sq. ft. office building on the north side of Rt. 30 west of Rt. 401 (Buoy One Billiards) – No one representing the applicant was present and discussion was postponed to a future meeting.
- b. Revised Preliminary Land Development Plan - Brandywine Operating Partnership, LP, Denise Yarnoff, Esquire was present representing the applicant. The revised plan includes changes in vehicle circulation, building orientation and the distribution of square footage among proposed buildings. Mr. Holmes made a motion to approve the Brandywine Operating Partnership, LP Revised Preliminary Land Development Plan for 50 – 52 Swedesford Road, property located in an O/BP – Office/Business Park Zoning District with a Corporate Gateway Zoning Overlay District subject to Mr. Kohli's letter dated July 14, 2009. Mr. Mott seconded the motion with the stipulation that the applicant investigate the possibility of finding a pervious soil stabilization grid that could possibly allow vehicles to drive on the north side. The vote was unanimous.

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 9:35 p.m.

Respectfully submitted,

Mary Lou Knight
Assistant Township Secretary