

EAST WHITELAND TOWNSHIP
REGULAR MEETING
December 8, 2010

Chair, William Holmes called the meeting to order at 7:05 p.m. Virginia McMichael, Vice Chair, John Mott, Member, Bareth Graeff, Township Solicitor, Terry Woodman, Township Manager, Eugene Dooley, Police Chief, William Steele, Public Works Director, and Mary Lou Knight, Assistant Township Secretary, were present. There were three (3) people in the audience at the onset of the meeting.

Everyone recited the pledge of allegiance.

Ms. McMichael made a motion to approve the Minutes of the Special Meeting of November 8, 2010, Mr. Mott seconded and the vote was unanimous. Ms. McMichael noted a change to the Minutes of the November 29, 2010 Special Meeting, page 57, first full paragraph, beginning with the third sentence should read: "She believes that the Township fiscal situation will improve and, therefore, felt it was appropriate to use the rainy day fund in order to avoid a tax increase. She would also like to see a united front from the Board on any decision made. Messrs. Holmes and Mott ..." Mr. Mott made a motion to approve the Minutes of the Special Meeting of November 29, 2010, as amended, Ms. McMichael seconded and the vote was unanimous. Mr. Mott made a motion to approve the Minutes of the Regular Meeting of November 10, 2010, Ms. McMichael seconded and the vote was unanimous.

ANNOUNCEMENTS

Mr. Holmes made the following announcements:

- The Township Building will be closed the following days: Thursday afternoon, December 23rd, Friday December 24th, Thursday afternoon December 30th and Friday, December 31st, 2010.
- The Organizational Meeting of the East Whiteland Township Board of Supervisors will be held on Monday, January 3rd at 7:00 p.m. in the Township Building.

PUBLIC COMMENT

Considerable discussion ensued as a result of comments and suggestions made by David Walsh. He pointed out that close monitoring of the budget provides an early warning in keeping revenue and expenses in line with what was budgeted for the year. Mr. Holmes responded that the Board had discussed this subject in prior meetings and noted that this is done routinely by staff and the Board on a monthly basis. Mr. Walsh praised the work done by Ms. Woodman in this regard. Another subject discussed was the work done to promote the Township to companies looking to relocate and, thus, increasing employment which translates to revenue for the Township. All Board members and Ms. Woodman responded to this and described the

Township's business development efforts, both past and present. Ms. Woodman pointed out that Township's efforts are utilized to politic/lobby the County and State in order to get infrastructure improvements that East Whiteland needs to allow the corporate community to thrive. She described these efforts and pointed out the successes achieved. The Board sees themselves as Ambassadors for the Township.

Tim Valente had questions on the preliminary draft budget dated November 22, 2010. In light of the current economic situation, he asked if the budgeted revenue is expected to be met. Mr. Mott responded that in the past seven years the earned income tax has always been on the conservative side. He outlined the possible pitfalls to meeting this target. Ms. McMichael pointed out that contact with major landlords can give the Township an insight as to occupancy rates in the corporate community. Ms. McMichael agreed with Mr. Mott that projected revenue has always been conservative. She pointed out that expensed items might be delayed during the year if projected revenue is not met. Mr. Mott is comfortable with the budget. Ms. McMichael indicated that in the prior five years surplus funds have been put into a rainy day fund, thus allowing a financial cushion to the Township. Mr. Valente noted that West Chester, as an alternative, looked to collaborate with other townships to share services and consider engaging companies to do work that was being done internally. Mr. Holmes indicated that this has been explored, and it was determined that at this time no viable opportunities presented themselves.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

Ms. Woodman noted that Dave Pohlman, Park and Recreation Board, sent an e-mail to the EAC about drainage from Whiteland Village spilling out to the Chester Valley Trail. She sent this information, including photos, to the Chester County Park Director, Chester County Park Superintendent, and to the Chester County Director of Facilities. She will keep the Board apprised of this situation. The Township Manager explained how this drainage was occurring.

ACCEPTANCE OF THE TREASURER'S REPORT

Ms. Woodman summarized the Treasurer's Report. Ms. McMichael made a motion to accept the Treasurer's Report dated November 30, 2010. Mr. Mott seconded and the vote was unanimous. The Treasurer's Report balance totals as of November 30, 2010 are as follows:

General Fund	\$3,590,065.28
Street Light Fund	9,367.69
Sewer Fund	3,117,714.85
Sewer Fund Reserve	5,518,177.95
Sewer Construction Fund	76.97
Park Development Fund	337,308.74
Capital Improvement Fund	2,352,004.39
Dare Fund	7,533.40
State Fund	2.59

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Mott made a motion for approval of two check runs which include General Fund Voucher No.2010-12G, Sewer Fund Voucher No. 2010-12S, and Payroll Fund Voucher Nos. 2010-24 and 25. Ms. McMichael seconded and the vote was unanimous.

2011 FINAL BUDGET

2011 Budget for East Whiteland Township – Notice of adoption of the 2011 Budget was advertised in the *Daily Local News* on November 17, 2010. Ms. McMichael remarked that the budgeted revenue projections are reasonable and many expense items have been cut. However, she feels that tough but correct choices have been made. On behalf of the Board, Mr. Holmes thanked staff for their work in coming to a consensus on the budget. Mr. Mott indicated that passing a budget for the past eleven years has been relatively easy, but the 2011 budget proved to be a particularly difficult task as hard decisions had to be made. He feels that this budget is where the Township needs to be for 2011. Mr. Holmes thanked Ms. Woodman and Mr. Lokken for their work. Ms. McMichael made a motion to adopt the 2011 Final Budget for East Whiteland Township as presented at this evening’s meeting. Mr. Mott seconded and the vote was unanimous.

Resolution No. 23 - 2010 – Ms. Woodman indicated that the Resolution represents a summary of the budget document appropriating specific funds for Budget Year 2011. Ms. McMichael noted changes to the Resolution as follows: first paragraph page one should read “... during the fiscal year 2011”; third paragraph, page one should read “... the fiscal year 2011 the ...”; last paragraph last page should read “... day of December 2010”. For Revenues and Expenditures for the fiscal year 2011 the following amounts are hereby appropriated which amounts are more fully itemized in the Budget.

<u>Beginning Fund Balance</u>	<u>Revenue and Transfers In</u>	<u>Expenditures and Transfers Out</u>	<u>Ending Balance</u>
General Fund (01)			
\$3,126,666	\$8,357,726	\$8,585,245	\$2,899,148
Special Tax Fund for Street Lighting (02)			
8,036	10,763	8,608	10,191
Sewer Fund (08)			
3,603,721	2,755,720	2,671,101	3,688,340
Sewer Fund Reserve (09)			
6,741,126	12,055,000	17,292,174	1,503,952
Sewer Construction Fund (18)			
77			77
Park Development Fund (30)			
337,373	480	30,000	307,853
Capital Improvement Fund (31)			
1,205,063	8,531	1,325,155	(111,561)

<u>Beginning Fund Balance</u>	<u>Revenue and Transfers In</u>	<u>Expenditures and Transfers Out</u>	<u>Ending Balance</u>
Dare Fund (32)			
6,464	2,512	3,000	5,976
State Fund (35)			
(10)	223,542	223,500	32

Ms. McMichael pointed out that the first version of the budget showed a deficit in the range of \$1,000,000. \$800,000 was culled from that original budget. Approximately \$200,000 will come from the rainy day fund. Mr. Mott made a motion to adopt Resolution No. 23-2010 appropriating specific funds for Budget Year 2011 incorporating the changes made to the Resolution as noted above. Ms. McMichael seconded and the vote was unanimous.

Resolution No. 24 – 2010 - Mr. Holmes indicated that the Resolution establishes the real property tax rate for Budget Year 2011 at 0.445 mills which represents 44.5 cents on each one thousand dollars of assessed valuation. Ms. McMichael made a motion to adopt Resolution No. 24-2010 establishing the real property tax rate for Budget Year 2011. Mr. Mott seconded and the vote was unanimous.

Resolution No. 25 – 2010 - Ms. Mott made a motion to adopt Resolution No. 25-2010 establishing the realty transfer tax rate for Budget Year 2011 at ½ of 1% for Budget Year 2011. Ms. McMichael seconded. The vote was unanimous.

PLANS

Walter M. Haly et al – Bud Haly summarized the minor subdivision he is seeking at 133 & 135 Sproul Road. The Zoning Hearing Board has approved a variance for the subdivision. Discussion ensued. Ms. McMichael made a motion to approve the minor subdivision of 133 & 135 Sproul Road, with new lot line to allow transfer of ownership of either side of an existing twin house, property being in an R-2 Zoning District. Mr. Mott seconded and the vote was unanimous. Mr. Haly commented that he was very impressed with the trail which runs through the Township and thanked the Board for their efforts in bring this to fruition.

OLD BUSINESS

There was no old business for discussion.

NEW BUSINESS

- a. Award Contract for Rental Equipment for 2011 – Bid notice was advertised in the Daily Local News on October 18 and 25, 2010. Mr. Holmes referenced the equipment rental list. Mr. Steele indicated that three bids were received. Mr. Mott made a motion to award equipment rental bids for 2011 to the low bidder, Mancini Construction, Malvern, PA on all items except the Milling Machine with 6.5ft. width which is awarded to Macanga Paving Contractors, West Chester, PA. Mr. Steele's Equipment Rental Bid list

memo dated November 15, 2010 will be attached to the Minutes of this meeting. Ms. McMichael seconded the motion and the vote was unanimous.

- b. Award Contracts for Purchase of Crushed Stone Material for 2011 - Bid notice was advertised in the *Daily Local News* on October 18 and 25, 2010. Mr. Steele indicated that bids were received from Glasgow, Inc. and Independence Construction Materials. Both companies listed prices for FOB quarry and FOB Township; however Independence Construction Materials listed Paradise Quarry in Paradise, PA as the location for pick up of material. Mr. Steele felt that with this caveat in the bid, there would be no cost savings to the Township. Ms. McMichael made a motion to award the contract for the purchase of crushed stone materials for 2011 to Glasgow, Inc. as the lowest bidder for anti-skid and the lowest practical bidder for crushed stone taking into account the location of the Paradise Quarry listed for pick-up of materials. Mr. Steele's Crushed Stone Material Bids for 2011 memo dated November 16, 2010 will be attached to the Minutes of this meeting. Mr. Mott seconded and the vote was unanimous.
- c. Release of Funds from Uptown Worthington Escrow Account – Lou Colagreco and Guy Wolfington were present representing the applicant. Mr. Colagreco summarized the work completed and indicated that \$518,822.98 remains in escrow securing the completion of improvements which will no longer be constructed as part of the Phase II-A development. Ms. Woodman indicated that Mr. Kohli has not given final approval of the as-built plan for the sewer water basins that are associated with Target and Wegmans, and he is recommending that the Township hold \$47,165.73 of the escrow funds until final approval is given. Discussion ensued regarding the basins. Ms. Woodman indicated that Mr. Kohli is waiting for information which demonstrates that what is out in the field would hold the amount of water that the plan design said it should hold. Discussion continued. Mr. Mott made a motion to authorize release of \$471,657.25 from the Uptown Worthington Escrow account retaining \$47,165.73 for the resolution of as-built issues. Ms. McMichael seconded and the vote was unanimous.
- d. Resolution No. 20 – 2010 – Ms. Woodman summarized the 2.5 acres being gifted to the Township by Holy Family College for use as open space. The property is wooded and located on Warren Avenue. She has been in contact with Valley Creek Coalition and they indicated that money may be available to be used as a match for engineering of the property. Discussion ensued. Ms. McMichael made a motion to adopt Resolution No. 20-2010 accepting the gift of 2.5 acres of land from Holy Family University. Mr. Mott seconded. The vote was unanimous.
- e. Resolution No. 21 – 2010 – Ms. Graeff summarized the need to adopt a Sensitive Information Policy for the Township. This policy will help to protect employees, customers, contractors and the Township from damages related to the loss or misuse of sensitive information. Ms. Woodman indicated that a shredder with Department of Defense security will be necessary at a cost of between \$3,000 and \$4,000. Considerable discussion ensued. Mr. Mott made a motion to adopt Resolution No. 21-2010 adopting a Sensitive Information Policy for the Township. Ms. McMichael seconded and the vote was unanimous.

- f. Resolution No. 22 - 2010 – Ms. Woodman summarized the PECO Green Region Open Space Program for the Chester Valley Trail neighborhood connection project. PECO is giving grants up to \$10,000 for use on any type of open space improvement. Ms. Woodman indicated that trail connections would be considered under this grant program and could match budgeted funds on hand in the Parks budget. Discussion ensued. Mr. Mott made a motion to adopt Resolution No. 22-2010 authorizing an application to the 2010 PECO Green Region Open Space Grant Program. Ms. McMichael seconded. The vote was unanimous.
- g. Discussion of Police Officers' 2011 Contributions to the Police Pension Plan – Ms. Woodman indicated that currently the Police Officers contribution to their pension plan is 1.5%. She met with the group that manages the pension funds and was informed that at this time the Police contribution should be the full 5%. This contribution is subject to change in two years when the next study is done, but for the next two years it will remain at 5%. Mr. Mott made a motion to set Police Officers' contribution to the Police Pension Plan at the full 5%. Ms. McMichael seconded and the vote was unanimous.
- h. Amendment to the Uptown Worthington Sewer Reservation and Purchase Agreement – Lou Colagreco was present representing the applicant. He is seeking an extension to the original agreement dated June 11, 2008 and amended on December 9, 2009. Discussion ensued. Ms. McMichael made a motion to approve an amendment to the Uptown Worthington Sewer Reservation and Purchase Agreement authorizing a two year extension. Mr. Mott seconded and the vote was unanimous.
- i. Parking Easement – Mr. Holmes made a motion to authorize the Township Solicitor to take the necessary action to extinguish parking easements on Township property that were placed as a requirement of an Open Space grant. Mrs. Woodman explained that the Township had received a grant from the County that was used to develop a soccer field between the Township Building and Conestoga Road. About ten years ago, the soccer field became wet and unusable and is now identified as an emergent wetland. Mr. Mott seconded and the vote was unanimous.
- j. Zoning Hearing Board - Mr. Holmes questioned if the membership of the Zoning Hearing Board could be reduced to three. Ms. Woodman will check the language of the Ordinance.

Mr. Holmes called a break in the meeting at 8:45 p.m.

PUBLIC HEARINGS

Consideration of an Ordinance amending the Township's Sewer Ordinance adjusting
limitations on the content of industrial waste

The hearing opened at 8:47 p.m. The Solicitor stated that notice of the hearing was advertised in the *Daily Local News* on November 29, 2010 and outlined the title of the Ordinance as An Amendment to an Ordinance of East Whiteland Township, Chester County, Pennsylvania, concerning limitations on content of industrial waste specifically an amendment to section 154.87.B "Specific Discharge Prohibitions." Section 1, Chapter 154.87.B(5) of the Code of East Whiteland shall be amended by deleting subsection (5) and Chapter 154.87.B(6) of the Code of East Whiteland shall be amended by deleting subsection (6).

Ms. Woodman referenced a letter received from Valley Forge Sewer Authority which included several revisions to the Authority's Code of Rules and Regulations regarding sewer use. The EPA mandated industrial pretreatment program local limits and these limits were included as part of the letter. Ms. Woodman indicated that the changes have been incorporated in the Township's Ordinance. Mr. Holmes asked how enforcement of the limits was accomplished. The Township Manager stated that if Valley Forge Sewer Authority technicians detect higher levels of some chemical they will trace it back to its source. Most manufacturing companies have an agreement directly with Valley Forge Sewer Authority to not exceed the stated levels and they test on an ongoing basis. Mr. Holmes asked if it was possible for the Township to post lower levels in the Ordinance. Ms. Woodman responded that this would require the Township to hire technicians to test the levels as stated in its Ordinance.

The Hearing was closed at 8:50 p.m.

The Board reconvened the Board meeting at 8:51 p.m. A Motion was made by John Mott to adopt the Ordinance amending an Ordinance of East Whiteland Township concerning limitations on content of industrial waste specifically an amendment to section 154.87.B "Specific Discharge Prohibitions." Ms. McMichael seconded the motion and it was approved unanimously.

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 8:53 p.m.

Respectfully submitted,

Mary Lou Knight
Assistant Township Secretary