

EAST WHITELAND TOWNSHIP  
REGULAR MEETING  
March 10, 2010

Chair, William Holmes called the meeting to order at 7:00 p.m. Virginia McMichael, Vice Chair, John Mott, Member, Bereth 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 approximately fourteen (14) 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 Regular Board Meeting of January 13, 2010 and the Minutes of the February 2, 2010 Special Meeting. Mr. Mott seconded and the vote was unanimous.

ANNOUNCEMENTS

Mr. Holmes announced the following:

- A representative of Central Tax will hold office hours at the Township Building on Wednesday, April 7, 2010 from 9:30 a.m. until 1:00 p.m.
- The first 2010 Chester County Household Hazardous Waste Collection Event will be held on Saturday, April 10<sup>th</sup> between 9am and 3pm at the CAT Pickering Campus, 1580 Charlestown Road, Phoenixville, PA 19460.  
**Computers will be accepted at this collection event.**

PUBLIC COMMENT

Frank Rotere pointed out that the ground planned for the new fire house was unstable. He would like this noted in the appropriate Township document. Ms. Woodman stated that the ground was unstable for housing fire equipment, but it could have a different kind of foundation built to address this issue. Mr. Rotere asked when the work at the intersection at Rt. 30 and Rt. 29 would be completed. Ms. Woodman indicated that work could not be done during the winter months but should resume in the spring.

RECOGNITIONS

Flag Presentation – C. Tom Renfroe, an East Whiteland Township professional firefighter and a member of the Air National Guard, has returned from a tour of duty in Afghanistan. During the operation of Iraqi Freedom, he had a flag flown in Iraq for the Township. He thanked the Township for their help and support while he was gone and presented this flag to the Township. Mr. Holmes and the Board thanked Mr. Renfroe for his service.

Ms. Woodman informed the Board that another firefighter, Matt Cole, has been called to active duty in the Coast Guard for a one year time period. He is stationed at the Port of Philadelphia replacing troops who were sent to serve in Haiti following the devastating earthquake.

Eagle Scout – Mr. Holmes introduced Philip Chow. Mr. Chow's Eagle Scout project involved marking storm water inlets and creating and distributing brochures to educate the public on the importance of protecting the Township watersheds. He thanked Bill Steele for his support of the project. On behalf of the Board, Mr. Holmes thanked Mr. Chow for his work. The Board then presented Mr. Chow with a plaque recognizing his contribution to the community.

### REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

Mr. Holmes read correspondence received from residents commending Mr. Steele on his department's work on snow removal.

#### MS4 Report Update

As Mr. Kohli could not attend this evening's meeting, Ms. Woodman summarized the Engineer's MS4 (Municipal Separate Storm System) report for the 7<sup>th</sup> year. The program is mandated by the USEPA. It requires each local unit of government to involve the public in addressing storm water impact. Township staff looks for and remedies illicit discharges. Construction site stormwater runoff control is complied with by Ordinance. Post-construction stormwater management in new development and re-development is addressed by agreement with the developer. Pollution Prevention/Good Housekeeping for municipal operations involves the Public Works and Fire Departments using biodegradable products. The Township will continue addressing public education and involvement. The Environmental Advisory Council will aid in this effort. The full report follows:

#### **Annual MS-4 (Municipal Separate Storm System) Engineer's Report for 7<sup>th</sup> Year East Whiteland Township**

Following is an overview of the MS4 (Municipal Separate Storm System engineer's report for the 7<sup>th</sup> year, ending March 9, 2010. The Township received a NPDES (National Pollutant Discharge Elimination System) Permit in year 2003. The PADEP outlined six (6) protocols which were to be followed to meeting compliance within five years, starting in year 2003:

The **DEP Protocols** are:

- 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.

DEP has now granted three (3) one-year extensions of the NPDES Permit which will expire on March 9, 2011. These extensions allow the permittees to complete any unfinished required activities from Year 1 through Year 5 and continue Year 5 activities through Year 8.

We have received comments from DEP for Year 4 and Year 5 which suggest that we improve the response to their protocol.

Terry Woodman continues to improve the education and public participation elements (MS1 and MS2) of the program. She is working with the Chester-Crum Creek (CRC) Watershed Association which assists the Township with Public Education and Public Participation requirements. Some suggested comments offered by DEP will be incorporated in next year's report.

- **Illicit Discharge Detention and Elimination (IDD&E)** is being implemented by the Township Engineer. DEP suggested that we modify the latest MS4 maps to increase the font size and improve legibility. We feel that the maps are legible and do not need modification. However, we will consider improving the maps at a later date when funds are available. As suggested by DEP, we are reviewing questionable outfall locations as shown on the GIS map. We will add, remove or re-designate outfalls as needed. Specific attention will be made to stormwater outfall management basins (inlet and outlet) to ensure proper designation.

We continue to implement our Stormwater Management Ordinance No. 180-2006 which prohibits the discharge of non-stormwater into the township storm sewer system.

The Township has IDD&E education information available in their lobby for residents and contractors.

- **Construction Site Stormwater Runoff Control (MS4)**. Plans are reviewed by the Township Engineer's office for its compliance with the Ordinance.

We also coordinate the Erosion and Sedimentation Design Plans with the Chester County Conservation District.

- **Post-construction stormwater Management in New Development and Re-development (MS5)** is implemented during and after construction. As-built plans are required for all completed projects which are viewed by the Township engineer for their compliance.

We are in the process of creating an inventory data list for all projects which are completed to follow-up the Operations and Maintenance (O&M) responsibilities.

- **Pollution Prevention/Good Housekeeping for Municipal Operations (MS6)** is updated as necessary and follow-up is continued by our Public Works Superintendent.

#### ACCEPTANCE OF THE TREASURER'S REPORT

Ms. Woodman summarized the Treasurer's Reports. Mr. Mott made a motion to accept the Treasurer's Report dated January 31, 2010, Ms. McMichael seconded and the vote was unanimous. Ms. McMichael made a motion to approve the Treasurer's Report dated February 28, 2010, Mr. Mott seconded and the motion was unanimously approved. Treasurer's Report balance totals are listed below.

	<u>January 31, 2010</u>	<u>February 28, 2010</u>
General Fund	\$ 3,333,277.98	\$ 2,859,236.20
Street Light Fund	4,968.52	4,349.92
Sewer Fund	3,215,689.87	3,868,877.26
Sewer Fund Reserve	6,110,736.08	6,111,261.11
Sewer Construction Fund	76.87	76.88
Park Development Fund	353,011.20	353,065.36
Capital Improvement Fund	2,389,561.61	2,389,696.93
Dare Fund	9,347.13	9,248.58
State Fund	9.74	9.60

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

Ms. Woodman asked Mr. Steele how much salt was used during the winter storms. He replied that approximately 700 tons were used. He explained that during heavy snows, less salt is needed. Mr. Mott made a motion for approval of General Fund Voucher No. 2010-2G, 2010-3G, Sewer Fund Voucher No. 2010-2S, 2010-3S, and Payroll Fund Voucher Nos. 2010-02, 03, 04, 05. Ms. McMichael seconded and the vote was unanimous.

#### East Whiteland Fire Company

Chief Hurley gave the Fire Company's report for February 2010. The Exton Rotary Club will be holding an event May 1<sup>st</sup> (Little Yellow Duck Derby) with proceeds going to the East Whiteland Fire Association. Ms. Woodman asked Chief Hurley to let her know about the details of the Fire Company Fair so that she could include this information in the Township newsletter. Chief Hurley thanked Township employees who attended the funeral service for Pat Coleman, a 34 year member of the Fire Company.

## PLANS

- a. Willinghouse Preserve (formerly Tattersall Development Co.) Final Subdivision and Land Development Plan – Greg Newell and Kenneth Hellings were present representing the applicant. Mr. Newell summarized the Plan for 11 lots on 16+ acres at 422 Conestoga Road. Two houses are on the property – one will be removed, the other will be left as it has historic significance. The planning process was outlined in detail. All permits have been received. Mr. Newell answered all questions to the satisfaction of the inquiring parties. Mr. Mott made a motion to approve Willinghouse Preserve (formerly Tattersall Development Co.) Preliminary/Final Subdivision and Land Development Plan for 11 lots on 16+ acres at 422 Conestoga Road in an R-1 Residential Zoning District subject to submission of a homeowner’s agreement and any remaining open items in Mr. Kohli’s October 19, 2009 and/or February 9, 2010 letters and granting of the following waivers from Subdivision and Land Development Ordinance (SLDO) as follows:

- SLDO 175-21.B - utilizing a sheet size of “30X42”.
- SLDO 175-21.C(10) - requiring all existing features within 300 feet of the property be shown on the Land Development Plans
- SLDO 175-27.H - allowing for cuts or fills greater than five feet
- SLDO 175-31.A - requiring a 60 foot right-of-way and 36 foot cartway
- SLDO 175-35.A – utilizing roadside swales in lieu of vertical curb along the cartway
- SLDO 175-41.C(4) – removing greater than 20% of the trees on the lot - no objection as long as the applicant meets the tree replacement criteria of SLDO 175-41.C(4) (a) through (c))
- SLDO 175-30.C – requiring street lights
- SLDO 175-40.B(1) – requiring park, open space, and recreation area providing the applicant renders a fee-in-lieu

Ms. McMichael seconded the motion and the vote was unanimous. An adjoining neighbor inquired about preserving trees and/or vegetation serving as buffer of her property. Mr. Newell assured her that this would be taken care of.

- b. John Schilgen and Carl Nugent – John Smirga was present representing the applicant. He summarized the plan for the lot line adjustment. Discussion ensued. Mr. Mott made a motion to approve Schilgen and Nugent Lot Line Adjustment Final Plan, a lot line revision between 1060 and 1062 King Road in an R-2 Zoning District subject to Mr. Kohli’s letter dated February 3, 2010. Ms. McMichael seconded and the vote was unanimous.

## OLD BUSINESS

- a. Resolution No.10-2010 – Discussion ensued. Ms. McMichael made a motion to approve Resolution No.10-2010 adopting the Patriot’s Path Plan as an amendment to the Township’s 2001 Comprehensive Plan. Mr. Mott seconded and the vote was unanimous.

- b. Open Fire Pit Burning Legislation Review – Ms. Woodman indicated that the Township has received the 2009 issue of the International Fire Code. Discussion ensued regarding open pit burning and portable fire pits. Ms. Graeff suggested setting out parameters on size, type of container, and materials being burned, etc. Pros and cons of different types of containers were talked about, and Chief Hurley contributed his expertise to the discussion. Mr. Holmes felt that a new fire code is necessary. Discussion continued. The Board agreed that the solicitor will draft open fire parameters for the Board’s review.

#### NEW BUSINESS

- a. Extension of Time – Brandywine Operating Partnership, O.P. – Mr. Mott made a motion to grant an extension of time through February 28, 2011 to Brandywine Operating Partnership, O.P. for the filing of financial security and recording of the plans for a new 187,000 sq. ft. 5 story building at 50 – 52 Swedesford Road. (Plan approved on 11/10/09.) Ms. McMichael seconded. The vote was unanimous.
- b. Extension of Time and Release of Escrow Funds – Linden Hall Development LLC - Wendy McLean, Esq. was present representing the applicant and indicated that the applicant is seeking a five-year extension of time and the release of their escrow due to the current economic climate. Ms. Woodman outlined what the consequences would be of allowing an extension of five years. Discussion ensued. Mr. Holmes requested that the sign advertising the coming project be removed. The unoccupied building was a topic of discussion. Ms. McMichael was of the opinion that a three-year extension might be more appropriate, and Ms. McLean indicated that this would be satisfactory to the applicant. Ms. McMichael made a motion to release a \$2,394,151 escrow and grant an extension of time through February 28, 2013 to Linden Hall Development LLC for the filing of financial security for a new retail center on Rt. 30 opposite the intersection of Rt. 352. (Plan previously approved on 5/9/07.) Mr. Mott seconded and the vote passed unanimously.
- c. Fill Vacancies on Township Boards and/or Commissions - Ms. McMichael referenced the resume of Amanda Snyder. She then made a motion to appoint Amanda Snyder to the Park and Rec Board for a duly legislated term. Mr. Mott seconded and the vote was unanimous. Mr. Holmes gave background on Timothy Caban. Mr. Mott made a motion to appoint Timothy Caban to the Historical Commission for a duly legislated term, Ms. McMichael seconded and the vote was unanimous. Ms. McMichael spoke to the credentials of Veronica Holmes. She made a motion to appoint Veronica Holmes to the Environmental Advisory Council for a duly legislated term, Mr. Mott seconded and the vote was in the majority. Mr. Holmes abstained from voting.

- d. Discussion - Comcast Franchise Agreement Renewal – Ms. Woodman gave background on the Township’s franchise agreement with Comcast which expires at the end of the year. Discussion ensued with input from Ms. Graeff who has knowledge of Comcast agreements with other townships. It was decided that Ms. Woodman, with input from Ms. Graeff, will negotiate the agreement with Comcast.
- e. Affirmation of the Declaration of Disaster Emergency – Mr. Holmes summarized the affirmation. Ms. Woodman indicated that this is necessary in order to pursue reimbursement from Pennsylvania Emergency Management Services for the Township’s extraordinary costs associated with two winter weather events. Mr. Mott made a motion to affirm the Declaration of Disaster Emergency issued by the Board of Supervisors on February 5 and February 9, 2010. Ms. McMichael seconded and the vote was unanimous.
- f. Advertisement of Public Hearing – Ms. Woodman summarized the proposed amendment to an ordinance concerning violations and penalties for traffic regulations. Ms. McMichael made a motion to advertise a Public Hearing to be held on April 14, 2010 to consider an amendment updating the penalty section of the Township’s Traffic Regulations. Mr. Mott seconded and the vote was unanimous.
- g. Contract for Revision of the Township’s Personnel Policy Manual – Ms. Woodman indicated that two responses were received in regard to redrafting of the Township Personnel Policy Manual. She outlined each response and stated that funds are included in the budget for this expenditure. Ms. Woodman and Mr. Lokken recommend the hiring of N. J. Hess Associates for this work. Discussion ensued. Mr. Mott made a motion to accept the proposal from N. J. Hess Associates for the redrafting of the East Whiteland Township Personnel Policy Manual Revision at a fixed cost of \$7,410, plus mileage and \$95/hr. for any additional approved work not within the scope of the RFP. Ms. McMichael seconded and the vote was unanimous.
- h. Advertise Town Hall Meetings – Ms. Holmes indicated that Town Hall Meetings will be held on the first Wednesday of the month on a quarterly basis beginning in May 2010. Mr. Mott made a motion to advertise Town Hall meetings to be held on May 5th, August 4<sup>th</sup> and November 3<sup>rd</sup>. Ms. McMichael seconded and the vote passed unanimously.
- i. Resolution No. 11–2010 - Mr. Holmes stated that the proposed resolution supports the funding of an economic impact study proposed by the Family and Business Health Care Security Act. The study will look at the single payer health care option. Elected Chester County and Commonwealth of Pennsylvania officials are encouraged to endorse this study. Mr. Mott felt that there was no hope for the single payer option. Ms. McMichael was of the opinion that every avenue should be explored in support of saving taxpayers’ money. Discussion ensued. Mr. Holmes indicated changes to the Resolution as follows:
  - Third paragraph should read: “Whereas the intent of the Family...HB1660 is to provide affordable,”

- Fourth paragraph should read: “Whereas, the intent of SB400 and HB1660 would be to replace...”
- Fifth paragraph should read: “...legislation could provide...”
- Sixth paragraph should read: “...endorse the funding of up to \$100,000 for an Economic ...”

Mr. Holmes made a motion to adopt Resolution No. 11-2010 in support of HB 1660 - SB400 incorporating the aforementioned changes. Ms. McMichael seconded the motion and the vote was in the majority with Mr. Mott opposing.

- j. Resolution No. 12–2010 – Ms. Woodman indicated that the Resolution deals with Township records slated for destruction, and she outlined the records as listed on Exhibit “A” of the proposed resolution. Mr. Mott made a motion to adopt Resolution No. 12-2010 Disposition Resolution for Destruction of Specific Township Records, Ms. McMichael seconded and the vote was unanimous.
- k. Advertise Public Hearing – Ms. Woodman summarized the intent of the proposed amendment. Discussion ensued. Mr. Mott made a motion to advertise a Public Hearing to be held on April 14, 2010 to consider an amendment to Appendix “C” (Stormwater Best Management Practices Operations and Maintenance Agreement) to Chapter 170 of the Code of East Whiteland Township. Ms. McMichael seconded and the vote was unanimous.

There being no further business, Mr. Holmes made a motion to adjourn the meeting. Ms. McMichael seconded. The vote was unanimous and the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Mary Lou Knight  
Assistant Township Secretary