

EAST WHITELAND TOWNSHIP
REGULAR MEETING
March 9, 2011

Chair, William Holmes called the meeting to order at 7:05 p.m. William Holmes, Chair, Virginia McMichael, Vice Chair, John Mott, Bereth Graeff, Township Solicitor, Eugene Dooley, Police Chief, William Steele, Public Works Director, and Maureen Perri, Township Secretary, were present. There were five (5) 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 Meeting of February 9, 2011, Mr. Holmes seconded and the vote was unanimous.

ANNOUNCEMENTS

Ms. McMichael announced that her husband has been selected as counsel for O'Neill Properties in litigation involving the Uptown Worthington project. As a result, she will recuse herself from all future meeting, conference and decisions relative to the Uptown Worthington project. Ms. McMichael sought an opinion from the Township's Solicitor, William Lincke, on this situation. Mr. Lincke responded by letter, dated March 9, 2011, in which he advised her that under Pennsylvania law, in the event the other two Board members cannot agree on a matter involving the project, she will be required to vote notwithstanding her decision to recuse herself.

Mr. Holmes made the following announcements:

- On Wednesday, April 6 at 7 p.m. the Board of Supervisors will hold a Town Hall meeting in the Township Building. The topic of discussion will be the Route 202 Section 320 construction project and the Pa. Turnpike slip ramp construction project on Route 29.
- A representative of Central Tax will be at the Township Building on Thursday, April 7, 2011 from 9:30 a.m. until 1:00 p.m. to answer any questions residents have about their Earned Income Tax Return (EIT).
- Mr. Mott advised all resident to comply with the recent mailing from Keystone Group for filing a quarterly return. This is a new tax collector selected by the Chester County for the collection of earned income and local services taxes.
- The first Chester County Household Hazardous Waste Collection Event of 2011 will be held on Saturday, April 9th between 9am and 3pm at the

CAT Pickering Campus, 1580 Charlestown Road, Phoenixville, PA 19460. **Computers will be accepted at this collection event.**

- The Board advised residents to be sure to erase any data on their hard drive before dropping their computer off. You can remove the drive or use software to erase the information.

PUBLIC COMMENT

There was no public comment.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

East Whiteland Volunteer Fire Association

Chief Hurley gave his monthly report for February 2011. The fire company responded to 90 incidents of which 32 were fire related. The average dispatch time is nine minutes. In addition, the company logged 192 hours of training.

Mr. Hurley advised the Board that they have purchased a new ambulance which should be in service by month's end after the necessary internal equipment is installed. The Fire Company is offering the use of a 5 foot x 5 foot message board to the Township which they were able to obtain through grant funding.

Township Engineer Report

Mr. Mott remarked on the report submitted by Arro Engineers. He stated that the report indicates that they attended a pre-construction meeting for the Slip Ramp project.

ACCEPTANCE OF THE TREASURER'S REPORT

Mr. Lokken summarized the Treasurer's Report. Mr. Mott made a motion to accept the Treasurer's Report, dated February 28, 2011. Ms. McMichael seconded and the vote was unanimous.

The Treasurer's Report balance totals as of February 28, 2011 are as follows:

General Fund	\$ 2,869,019.86
Street Light Fund	18,214.18
Sewer Fund	4,052,718.05
Sewer Fund Reserve	5,431,431.94
Sewer Construction Fund	77.00

Park Development Fund	337,463.56
Capital Improvement Fund	2,354,803.32
Dare Fund	6,619.04
State Fund	2.59

Mr. Mott inquired about the new tax collector which is the Keystone Collections Group. They recently sent a mailing which resulted in much confusion to the residents. Mr. Lokken fielded calls from residents as to the validity of this company. Residents may access our website for further information.

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Ms. McMichael made a motion to approve the General Fund Voucher No. 2011-3G, Sewer Fund Voucher No. 2011-3S, and Payroll Fund Voucher Nos. 2011-04, 2011-05 as well as a second check run. John Mott seconded the motion and the vote was unanimous.

OLD BUSINESS

Appointment of a Member to the Environmental Advisory Council

The Board reviewed the application submitted by Richard McSweeney. Mr. Holmes stated that his position would replace Alice Presley who has served on the committee for many years. Her term of office expired in January 2011. A discussion ensued. Ms. McMichael made a motion to appoint Richard McSweeney to the Environmental Advisory Council for a term of three years. Mr. Holmes seconded the motion and the motion passed. Mr. Mott stated he is doing so with reservations.

NEW BUSINESS

a. Atwater Land, L.P. - The applicant has requested an extension for filing plans and posting their financial security. The State passed a law allowing developers to appeal for additional time due to the downturn in the economy. Mr. Mott made a motion to grant an extension of time to Atwater Land, L. P. development until July 2, 2013 for the property located on the east side of Route 29 south of Yellow Springs Road which was originally approved on May 28, 2002. Ms. McMichael seconded the motion and it was approved unanimously.

b. Resolution approving the Act 537 Plan for Valley Creek Truck Sewer - Mr. Holmes gave some background on this request. He stated that Tredyffrin Township has a problem with the piping under Route 202 which carries the sewage to their pump station. Tredyffrin requested that East Whiteland Township contribute a huge amount of money for the repair/expansion of the line for future capacity. East Whiteland contested this provision and feels that we are only responsible to pay for the capacity through the trunk line. As a result, Tredyffrin made changes to their plan by adding a statement that they would defer action on this trunk line until a future

evaluation. The Board stated that the future evaluation appears to be evaluated again around the year 2018. Mr. Mott felt that trunk line LV 57 should not be part of this 537 plan.

The Board felt that Tredyffrin should acknowledge that there is a problem and that Tredyffrin Township will be responsible for the repairs. Discussion ensued.

Mr. Mott made a motion to deny the adoption of Resolution No. 9-2011 due to trunk line LV 57 needs to be acknowledged as requiring repairs which should be paid for by Tredyffrin. Tredyffrin Township should acknowledge that there are problems and correction of this problem should be incurred by them. Ms. McMichael seconded the motion and the motion was passed unanimously.

The regular meeting was continued for a public hearing.

PUBLIC HEARING

Court reporter, Elaine Parrish, recorded all testimony.

- a. The hearing was opened at 7:50 p.m.

Ordinance No. 229-2011 suggests reducing the number of members from five to three members for the Zoning Hearing Board. The solicitor presented exhibits to the Board for consideration for this hearing. Mr. Hesson, Chairman for the Zoning Board, addressed the issues supporting this proposal. Ms. McMichael made a motion to reduce the number of members from five to three on the Zoning Hearing Board. The motion was seconded by Mr. Mott and the vote was unanimous.

- b. The hearing was opened at 8:00 p.m.

Ordinance No. 230-2011 is suggesting that the Hearing Notice requirement section of the Township's Zoning Ordinance be amended reducing the number of property owners to be notified when an appeal before the Zoning Hearing Board is being requested. The solicitor presented the exhibits for consideration. Applicants seeking an appeal are impacted by the expense for notification. Mr. Hesson again presented information. A motion was made by Mr. Mott to adopt Ordinance No. 230-2011 amending the Hearing Notice Requirements of the Zoning Ordinance Section 200-116, subsection B. Ms. McMichael seconded the motion and the vote was unanimous.

The regular meeting was re-opened at 8:20 pm.

APPOINTMENTS TO ZONING HEARING BOARD

- a. Appointment of David Hesson - Ms. McMichael made a motion to appoint Mr. Hesson for a three year term to the Zoning Hearing Board. Mr. Mott seconded the motion and the vote was unanimous.

- b. Appointment of Werner Liebig – Mr. Mott made a motion to appoint Mr. Liebig as an Alternate Member to the Zoning Hearing Board for a term of three years. Ms. McMichael seconded the motion and the vote was unanimous.

- c. Appointment of William Wrabley – Mr. Mott made a motion to appoint Mr. Wrabley as an Alternate Member to the Zoning Hearing Board for a term of two years. Ms. McMichael seconded the motion and the vote was unanimous.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:40 pm.

Respectfully submitted,

Maureen G. Perri
Township Secretary