

EAST WHITELAND TOWNSHIP
REGULAR MEETING
August 10, 2011

Chair, William Holmes called the meeting to order at 7:00 p.m. Virginia McMichael, Vice Chair, John Mott, Member, Bareth Graeff, Township Solicitor, Terry Woodman, Township Manager, Eugene Dooley, Police Chief, and Mary Lou Knight, Assistant Township Secretary, were present. There were approximately four (4) people in the audience at the onset of the meeting.

Everyone recited the pledge of allegiance.

Mr. Mott noted an addition to the July 13, 2011 Meeting Minutes as follows: page 35, Public Hearings (a), a new paragraph should be added as follows: Mr. Mott stated that he has nothing against O'Neill Properties and feels the project is a good one. He pointed out that: 1) Zoning goes with the land, not with the developer. If something happened to O'Neill, then the Township would not be in a favorable position; 2) He questioned whether Resolution 30-2000 establishing a professional code of conduct and civility for the conduct of the business of the Township, as currently adopted, is legal and enforceable. Ms. McMichael stated it was important to make the point that her conflict had no effect on her decision to vote in favor of the amendment to the ROC/R Zoning District; she would have voted the same way. She also stated that if there is going to be a reference to Resolution 30-2000 she thinks it appropriate to add that she supports the principals of that Resolution; however, if she is indeed required by the Pennsylvania Municipalities Planning Code to vote, then she will do so. Mr. Mott made a motion to approve the Minutes of the Regular Board Meeting of July 13, 2011, as amended. Ms. McMichael seconded the motion, as amended. The vote was unanimous.

ANNOUNCEMENTS

Mr. Holmes announced the following:

- a. The Township's Parks and Recreation Board will be presenting a free summer concert on Thursday, August 18 – **Lisa Wolfe's Build a Band** (Featuring young, local talent from Lisa's workshops.) The performance is at the Valley Creek Park Amphitheater and begins at 7 p.m.
- b. The next Household Hazardous Waste Collection Event will be held on Saturday, September 10, 2011 at the New Garden Township Maintenance Building, 8934 Gap Newport Road, Landenberg, PA 19350. **No computers will be accepted at this collection event.**

- c. An e-mail was received from the Rev. John Orlando, a contractor who recently finished a renovation at the Sheraton Hotel in Frazer. He commented that in his 25 years of contracting, the East Whiteland staff was one of the best he has interacted with and stated that it was a pleasure to work with them. On behalf of the Board, Mr. Holmes thanked staff for their ongoing efforts.

PUBLIC COMMENT

Christine Kantrowitz, an East Whiteland resident and member of the East Whiteland Republican Committee called into question Ms. McMichael's July 13th vote on the amendment to the ROC/R Zoning District filed by O'Neill Properties. In this regard, she quoted from Resolution 30-2000. She stated that it is her understanding that despite the intent of the Resolution, State statute permits, but does not require, such a vote. She called into question Ms. McMichael's partiality in regard to her vote on this matter. Ms. McMichael responded that as a result of her husband being selected as counsel for O'Neill properties in litigation involving the Worthington project, she recused herself from all meetings, conferences, and decisions relative to the project. She sought an opinion from the Township's Solicitor, William Lincke, on this matter and was advised that in the event the other two Board members cannot agree on a matter involving the project, she would be required to vote, and she did so. She indicated that prior to the vote; it was clear that all three Supervisors were of the opinion that the project was important to the Township and should go forward. By Mr. Mott changing his mind, and by her not voting, the project would be at a standstill and, thus, the Township would be liable in a lawsuit costing the Township considerable monies in litigation. Ms. McMichael was of the opinion that this challenge to her vote was a political ploy by the Republican Party and stated, "I stand by my vote." Mr. Holmes indicated that this conflict was an embarrassment and a low point for the Board. Ms. Kantrowitz vigorously denied any political agenda and stated that her only interest was in the Board's adherence to Resolution 30-2000. Mr. Mott gave background on the considerable discussions by the Board leading to the original agreement with O'Neill on the Worthington project, mainly the number of ownership property units in relation to the number of units designated for rental. He spoke to the reasons for his concern. Discussion on this subject ensued.

Therese Mallory spoke urging support of bi-partisan bill HR1489, the Prudent Banking Act of 2011. This bill will end the ongoing bail out of Wall Street and will separate commercial banks from investment houses. One hundred co-signers are needed in order to get this Bill out of committee and endorsement is urged from Pennsylvania Congressmen Gerlach and Meehan. Ms. Mallory indicated that she will leave literature on this subject for the Board's perusal.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

There were no reports from the East Whiteland Volunteer Fire Association and the Environmental Advisory Council.

Ms. Woodman indicated that a \$5,000.00 contribution to the DARE program was received from Pfizer Pharmaceuticals. They have declined public recognition of the contribution. On behalf of the Board, Ms. Woodman will acknowledge their generosity.

ACCEPTANCE OF THE TREASURER'S REPORT

Ms. Woodman summarized the Treasurer's Report. Mr. Mott made a motion to accept the Treasurer's Report dated July 31, 2011. Ms. McMichael seconded and the vote was unanimous. The Treasurer's Report balance totals as of July 31, 2011 are as follows:

General Fund	\$ 3,226,427.85
Street Light Fund	14,386.69
Sewer Fund	4,242,695.53
Sewer Fund Reserve	4,808,949.61
Sewer Construction Fund	77.05
Park Development Fund	347,642.51
Capital Improvement Fund	2,355,683.41
Dare Fund	3,245.11
State Fund	88,351.43

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Ms. McMichael made a motion for approval of and to include the first and second check runs of General Fund Voucher No. 2011-8G, Sewer Fund Voucher No. 2011-8S, and Payroll Fund Voucher Nos. 2011-15 & 16. Mr. Mott seconded and the vote was unanimous

OLD BUSINESS

Status of Sink Hole on Lee Boulevard - Mr. Steele indicated that a letter was received from the attorney representing Iron Mountain. Arro's geologist reviewed the letter. Responsibility for repair of the sink hole is in question. Ms. Woodman indicated that a depression started in the front lawn of the building occupied by Iron Mountain and when the depression was excavated, an old corrugated pipe was found to be leaking under the road. She is of the opinion that the failure of the road was created by the failure of their pipe. Mr. Steele indicated that pressure grouting may fix the problem, but it is a very expensive fix.

NEW BUSINESS

- a. Continue Public Hearing – Ms. McMichael made a motion to continue the public hearing scheduled for this evening to consider amendments submitted by Trammell Crow Company to the September 14, 2011 Board of Supervisors meeting. Mr. Mott seconded and the vote was unanimous.

Mr. Holmes suspended the meeting at 7:40 p.m.

PUBLIC HEARING

a. Consideration of amendments to the Township's Stormwater Management Ordinance

The hearing was advertised in the *Daily Local News* on August 1, 2011. Ms. Woodman indicated that changes are required to the existing Ordinance in order to be in line with new Chester County Valley Creek Watershed stormwater requirements. Ms. Woodman indicated that the Board has received a publication from the County entitled Executive Summary of the Valley Creek Watershed/Stormwater Management Plan. In this effort, East Whiteland is partnering with Charlestown Township, Tredyffrin Township, a portion of Schuylkill Township, Malvern Borough, and Willistown Township. Mr. Mott asked for clarification of the need for exceptions regarding storm drains which connect directly to streets or storm sewers. Ms. Woodman responded that there were some exceptions i.e., Fetters Mill; therefore current and possible future exceptions are covered under the Ordinance. In response to a question from Mr. Mott, Ms. Woodman indicated that Section 4, sub-section (6) is already in the Ordinance. Changes were made to add vehicle fueling stations, service facilities, public works, and certain industrial sites based on the SIC code. Mr. Mott referenced the Public Works Department. Ms. Woodman responded that Public Works gets a lot of scrutiny, i.e., EPA and PaDEP. When the MS4 report is compiled every year, Mr. Steele has to create a summary of stormwater activity not only in the Township but what has been done at the Public Works facility. Mr. Holmes asked for public comment. There was none. The meeting closed at 7:50 p.m. and the Regular meeting of the Board resumed. Mr. Mott made a motion to adopt Ordinance No. 233-2011 amending Chapter 170 "Stormwater Management" of the Code of the Township of East Whiteland, for the purpose of updating and amending the Ordinance to comply with the Valley Creek Watershed Act 167 Stormwater Management Plan. Ms. McMichael seconded and the vote was unanimous.

There being no further business, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Mary Lou Knight
Assistant Township Secretary