

EAST WHITELAND TOWNSHIP
REGULAR MEETING
May 9, 2012

Chair, Virginia McMichael called the meeting to order at 7:05 p.m. John Mott, Vice Chair, William Holmes, Member, William Lincke, 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 thirty-one (31) people in the audience at the onset of the meeting.

Everyone recited the pledge of allegiance.

Ms. McMichael indicated that an Executive Session of the Board which included the Township Manager and the Solicitor was held prior to the start of the meeting. A personnel matter was discussed.

Mr. Mott made a motion to approve the Minutes of the Town Hall Meeting of April 4, 2012, Mr. Holmes seconded the motion and the vote was unanimous. Mr. Mott made a motion to approve the Minutes of the Regular Meeting of April 11, 2012, Ms. McMichael seconded, and the vote was unanimous.

ANNOUNCEMENTS

Ms. McMichael made the following announcements:

- The Township's 5- week **Summer Camp for children in grades K through 6** begins on June 25th and runs through July 27th. Registration forms are available at the Township Building and on the Township's website at www.eastwhiteland.org. The deadline for registering for this very popular program is June 21st.
- Aqua PA will be replacing the water main on Lancaster Avenue between Morehall Road (Rt. 29) and a location just east of Deerfield Lane. The project is estimated to be completed by the end of July 2012 and the street restoration is to be completed in August, 2012.

PUBLIC COMMENT

Walter Lynn had several questions pertaining to the property on the corner of Old Lancaster and Old Lincoln Highways. Ms. Woodman indicated that this would be discussed at the public hearing later this evening, and Ms. McMichael encouraged Mr. Lynn to attend the hearing. Mr. Lynn referenced the proposed installation of a drain at Warren and Old Lancaster, indicating that it was approved but never installed. Mr. Steele responded summarizing the work needed to be done. Mr. Lynn asked for completion of this project. Mr. Mott agreed.

Howard Isaacson indicated that the signs posted at Old Lincoln and Old Lancaster Roads regarding the proposed hearing on the property are not properly placed for easy reading. He suggested that residents directly impacted be informed so that they can make a decision as to their attendance at said hearing. Ms. McMichael indicated that a decision need not be made at the conclusion of a hearing if it is determined that proper notice to residents has not been made. Before the hearing, the applicant's attorney will be asked to determine if they want to go forward tonight or if they want to postpone tonight's hearing to allow notice to be mailed out to the adjacent property owners. Another resident felt that when change is to be undertaken in a neighborhood, notification to all adjacent property owners should be made on a routine basis. Discussion ensued.

Howard Isaacson indicated that he has a problem with a nuisance dog and asked if wording could be added to the nuisance law with regard to barking dogs to make it easier to enforce. Ms. McMichael indicated that the Board would discuss this at a future date.

TOWNSHIP OFFICIALS

East Whiteland Volunteer Fire Association

Mr. Mott gave the East Whiteland Volunteer Association report.

Township Director of Public Works Report/Presentation

Mr. Steele gave a report on the bridge triple box culvert clean-out on Old Morehall Road where Valley Creek goes under the road. Culverts are inspected by PennDOT annually and it was determined that the clean-out was necessary. PennDOT's criteria for clean-out are anytime the debris is greater than 30%. Mr. Steele felt that Hurricane Irene exacerbated the amount of debris going into the culvert. PennDOT's approval of the project was obtained. Mr. Steele estimated that 40 cubic yards of sediment had to be removed. A mini-excavator was rented and the debris was removed when the stream was at a low point. Removed materials were loaded on trucks and disposal was undertaken. PennDOT was notified that the work had been done. In response to a question, Mr. Steele indicated that PennDOT inspects any bridge that is greater than 20 ft. in width.

Mill Lane/Sidley Road Sewer Replacement

Mr. Steele indicated that the sewer line to be replaced is the oldest in the Township. He summarized the need for sewer replacement caused by sink holes on Sidley Road which took out the sewer main there; sewer discharge into the Valley Creek; and a request for additional capacity through the trunk line by Charlestown Township. East Whiteland has a trunk line agreement with both Malvern Borough and Charlestown Township whereby cost sharing is based on percentage of flow going through each section.

Mr. Steele outlined the scope of the project and indicated that it consists of the installation of 18" sanitary sewer piping and associated manholes to replace a similar length of 8" and 12" piping. The work will extend from an existing sanitary manhole located northwest of

the intersection of Mill Land and Conestoga Road and south of Valley Creek, in a northerly direction west of and in Mill Lane to a terminal manhole located in Sidley Road north of the intersection of Sidley Road/Mill Lane and Lapp Road. Discussion ensued.

ACCEPTANCE OF THE TREASURER'S REPORT

Ms. Woodman summarized the Treasurer's Report. Mr. Holmes made a motion to accept the Treasurer's Report dated April 30, 2012. Mr. Mott seconded and the vote was unanimous. The Treasurer's Report balance totals as of April 30, 2012 are as follows:

General Fund	\$ 3,859,500.23
Street Light Fund	19,625.47
Sewer Fund	4,089,896.00
Sewer Fund Reserve	4,332,943.49
Sewer Construction Fund	77.08
Park Development Fund	337,541.24
Capital Improvement Fund	2,232,355.78
Dare Fund	3,382.65
State Fund	15,109.25

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Mott made a motion for approval of General Fund Voucher No. 2012-5G, Sewer Fund Voucher No. 2012-5S, and Payroll Fund Voucher Nos. 2012-9, 2012-10 dated May 9, 2012. Mr. Holmes seconded. The vote was unanimous.

OLD BUSINESS

- a. Status of discussions with Charlestown Township concerning Fire Company cost sharing – Mr. Holmes is attempting to set up a meeting with Charlestown Township.
- b. Discussion of path through Township owned property at 15 Deer Run Lane connecting that community with the Chester Valley Trail – Ms. McMichael felt that as a result of the recently held Town Hall Meeting, the Board has a sense of the issues at hand in terms of privacy, trash, parking, safety, etc. Brendan Burke introduced himself as an attorney retained by the DiPrinzio family to perform a zoning use analysis for the 15 Deer Run Lane location currently being considered for a path to the Chester Valley Trail. He referenced the original sub-division plan which dates back to 1959 and stated that the zoning is R-2, single family detached residences only and no other purposes are listed. He pointed out that no steep slope feasibility study had been done, Chester County has not had a say in design of the path, and there is no conforming zoning to allow for anything other than single family detached residences. Ms. McMichael stated that under existing zoning paths are appropriate, pointing out that they abound in the Township. Mr. Burke questioned the overall suitability of this Township owned property, again citing non-conforming zoning. He felt that a zoning analysis, land use variance, and environmentally steep slope analysis should be done.

Discussion ensued regarding feasibility of the path. Ms. Woodman indicated that Mr. Steele was in process of meeting with the County on this issue when neighbors became aware of the possibility of a path. The Township has not done anything since that date. Ms. McMichael stated that the issues brought to the Board's attention will be addressed. Mr. Mott felt that should the Board decide to move forward, the Township Engineer should be involved. Ms. Woodman asked that Mr. Burke send her a letter outlining the issues discussed this evening.

Jay Palish, Doe Lane, questioned the neighbors' actions in cutting a walking lane to the trail and felt that they could not have had serious concerns regarding a paved path. He is in favor of the access.

Mr. Milton indicated that putting a public access in an R-2 zoned area is inappropriate. He quoted Township regulations in place. He emphasized safety concerns for the children, easy access to the neighborhood by anyone, and loss of privacy. He felt it was a quality of life issue.

Ed Alexander, Conestoga Road, referenced an editorial that appeared in the *Daily Local News* entitled "Fear of Bogey Men Should Not Be on List of Trail Concerns". Mr. Holmes read a portion of the article which appeared on April 11, 2012.

Angel Connelly, Doe Lane, pointed out that neighbors in favor of the path were very willing to provide the Board with any information that could help them to approve the access path, and asked what the appropriate approach would be. Ms. McMichael indicated that coming to the meetings and expressing their views was a very good way to accomplish this. She pointed out why petitions are less than perfect barometers of what people feel. Mr. Mott expressed his surprise at the number of residents who were against the path and touched on the reasons why these residents felt the way they do. Mr. Mott referenced an updated cost estimate of path construction and is concerned about the overall cost. Ms. Connelly pointed out that a great number of residents against the path already have access. She again asked what the Board expected from those in favor of the path. Ms. McMichael responded that they could correspond with the Board through letters or e-mail and ask others to do the same. She indicated that the Board always tries to compromise or find middle ground when making a decision. Mr. Holmes indicated that at this time it appears that the Board has been presented with all the issues to be considered in their decision.

Mary Baylor, Deer Run Lane, asked about parking plans. Ms. McMichael responded that should the path go forward, parking would be available on the street and explained why signs limiting such parking can have an adverse effect on residents. Ms. Baylor indicated that a blind curve existed on Deer Run Lane, and she felt that additional traffic would be a hazard to children. She also pointed out that there were no lights on the street.

In response to a question from Mike Rottier, 7 Valley Creek Rd., Ms. Woodman indicated that the initial request for the path came from Chesterfield Knoll residents in 2010. Mr. Rottier said feels that the Board might be setting a precedent in this regard. The path's width has not been determined. It will not be handicapped accessible. The County has determined that not every access need be handicapped accessible as long as others are available in other areas of the trail. Mr. Rottier questioned the installation cost and upkeep cost of the path. He is against it and feels that it would affect the quality of life in the neighborhood. He suggested that the Township install a fence behind those properties which abut the trail.

Mike Helmie, Deer Run Lane, feels that those in favor of the path are in the minority. He strongly objects to its installation and pointed out that those against are in the majority.

Jay Palish suggested that if the path does not go forward, the Township install a fence behind the property of those directly affected, and who are against the path, so that they cannot have access from their property.

Vicki Palish, Doe Lane, indicated that she not seen unsupervised children playing on the street. She understands the feelings of those against the path; however, she sees greater benefits to the entire neighborhood by having it installed.

Connie Marino, Deer Run Lane, indicated that if children accessed the trail they would be in danger should they decide to cross Rt. 401 or Swedesford Road.

Esther Himler, Deer Run Lane, feels that installing a fence behind those houses adjacent to the trail is a good idea. He urges the Board to err on the side of prudence when making their decision.

McMichael called a break in the meeting at 8:50 p.m. The meeting resumed at 9:00 p.m.

NEW BUSINESS

- a. Appoint a representative to the East Whiteland Township/Tredyffrin Township Joint Transportation Authority – Ms. McMichael spoke to the highlights of the biography of Bob Sekola, Vice President of Engineering responsible for the planning, design and construction of all off-site and on-site infrastructure for Liberty Property Trust's major land development projects. Mr. Holmes made a motion to appoint Bob Sekola to the East Whiteland Township/Tredyffrin Township Joint Transportation Authority. Mr. Mott seconded and the vote was unanimous.
- b. Award Superpave Asphalt Mix Bids – Bids were advertised in the *Daily Local News* on two separate dates. Mr. Steele indicated that three bids were received and Highway Materials was the low bidder for four items in both FOB Plant and FOB Township. Independence Construction Materials was the lowest bidder for one item. Mr. Steele

recommended the Board award the contract to Highway Materials for all listed materials. Mr. Mott made a motion to award the Superpave Asphalt Mix contract to Highway Materials per Mr. Steele's memo dated May 1, 2012, said memo to become part of the Minutes of the meeting. Mr. Holmes seconded and the vote was unanimous.

- c. Advertise Public Hearings – Ms. Woodman indicated that adjustments are needed for Firefighter and Police Pension Plans. Mr. Holmes made a motion to advertise public hearings to be held on June 13, 2012 to consider amendments to both the Firefighter and Police Pension Plans. Mr. Mott seconded. The vote was unanimous.
- d. Advertise Public Hearing - Ms. Woodman pointed out that Immaculata wishes to construct two wings onto Camilla Hall. Mr. Mott made a motion to advertise a public hearing to be held on June 13, 2012 to consider an amendment to the Township's Zoning Ordinance to change the Table of Development Standards for INS - Institutional Zoning District to increase the maximum height of a principal structure to 60 feet. Mr. Holmes seconded and the vote was unanimous.
- e. Resolution No. 14-2012 – Ms. Woodman indicated that in addition to specific paper records, electronic records are slated for destruction as well. She explained that the State regulates how long records must be kept. Mr. Holmes made a motion to adopt Resolution No. 14-2012 Disposition Resolution for Destruction of Specific Records and its attached Exhibit "A" List of Records for Destruction. Mr. Mott seconded. The vote was unanimous.
- f. Authorize Advertisement to Receive Bids – The signal system is tied to the ARLE Grant estimate of \$80,000 and would allow synchronization of traffic lights. Mr. Mott made a motion to advertise the Township's intent to receive bids for the procurement of Ethernet traffic signal system communications devices using the PennBid electronic bidding site. Mr. Holmes seconded and the vote was unanimous.

Ms. McMichael suspended the meeting at 9:10 p.m.

PUBLIC HEARING

Court reporter, Elaine Parrish, recorded all testimony.

- Consideration of a Conditional Use application filed by Poplar investments to hold a certain number of previously approved parking spaces in reserve

The hearing began at 9:20 p.m. and was adjourned at 10:20 p.m. No decision was made on this matter.

- Consideration of the application of RT/TC Atwater LP to amend the Township's Zoning Ordinance to provide for parking standards specific to the O/BP Zoning District and to allow the designation of "reserve parking" through the Land Development Process

The hearing was called to order at 10:24 p.m. and adjourned at 10:34 p.m. At the close of the hearing, the public meeting was reconvened and a motion was made by John Mott and seconded by Bill Holmes to adopt Ordinance 237-2012, amending the Township's Zoning Ordinance to provide for parking standards specific to the O/BP Zoning District and to allow the designation of "reserve parking" through the Land Development process.

PLANS

Motion to approve an amendment to a previously approved Land Development, Plan filed by RT/TC Atwater LP, for lot 14. - The amendment shows a portion of the required parking spaces being held in reserve. A motion was made by Bill Holmes and seconded by John Mott to approve the amendment to a previously approved Land Development Plan filed by RT/TC Atwater LP, for lot 14 with the condition that the approval of the plan would be effective on May 15, 2012.

There being no further business, the meeting adjourned at 10:45 p.m.

Respectfully submitted,

Mary Lou Knight
Assistant Township Secretary