

EAST WHITELAND TOWNSHIP
REGULAR MEETING
June 13, 2012

Chair, Virginia McMichael called the meeting to order at 7:05 p.m. John Mott, Vice Chair, William Holmes, Member, Vicki Kushto, 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-five (35) people in the audience at the onset of the meeting.

Everyone recited the pledge of allegiance.

Mr. Mott made a motion to approve the Minutes of the Regular Meeting of May 9, 2012. Mr. Holmes seconded and the vote was unanimous. Mr. Holmes made a motion to approve the Minutes of the Special Meeting of June 6, 2012. Ms. McMichael seconded. The vote was in the majority with Mr. Mott abstaining as he was unable to attend the meeting.

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 run 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.
- Friday, June 22, 2012, The Chester County Household Hazardous Waste Collection Event will be held at Coatesville Middle School Parking Lot, 1425 East Lincoln Highway, Coatesville, PA (same entrance as CAT Brandywine, - Rt. 30 across from Dairy Queen) between 9am and 3pm. **Electronics will be accepted at this collection event.**
- Aqua PA is 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.
- A free concert will be held in Valley Creek Park on Wednesday, June 20th with a performance by Jefferson Starship. Ms. McMichael recognized Jason Dempsey for his efforts in organizing this concert on behalf of the Parks and Recreation Committee.

PUBLIC COMMENT

Kevin Morrow, Deer Run Lane, thanked the Board and East Whiteland Township management for the opportunity to address the community at the May 9, 2012 meeting. He pointed out that misinformation has been spread recently regarding an unfortunate incident with one of the families in his community. He emphatically stated that he and his wife do not condone what was done, the anonymous manner in which it was executed, nor did they have any part in the incident.

In response to a question from Walter Lynn regarding installation of a drain at Warren and Old Lancaster, Ms. McMichael indicated that the Board has agreed to go forward with the engineering and work to be done on this project.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

East Whiteland Volunteer Fire Association

Gary Sheridan gave the East Whiteland Volunteer Association report. He indicated that the Fire Association had a great turnout for their open house in May and he thanked everyone for this support. Staffing situations were discussed. Ms. McMichael referenced a letter from Rep. Duane Milne thanking the Fire Association for their assistance during the recent shredder event.

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 May 31, 2012. Mr. Mott seconded and the vote was unanimous. The Treasurer's Report balance totals as of May 31, 2012 are as follows:

General Fund	\$ 4,851,513.98
Street Light Fund	19,111.58
Sewer Fund	4,437,753.27
Sewer Fund Reserve	4,275,260.93
Sewer Construction Fund	77.08
Park Development Fund	337,541.24
Capital Improvement Fund	2,232,447.55
Dare Fund	3,099.27
State Fund	195,376.24

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Holmes questioned the contract the Township has with the SPCA, indicating that a neighbor requested an animal removal only to be charged for this service. Jim McVeigh indicated that he had a similar incident regarding foxes in his neighborhood and was referred to an animal control company which would charge for its service. Mr. Mott asked Ms. Woodman if

the SPCA contract dealt specifically with domesticated animals. She responded yes. Mr. Mott made a motion for approval of General Fund Voucher No. 2012-6, Sewer Fund Voucher No. 2012-6S, and Payroll Fund Voucher Nos. 2012-11 & 2012-12, dated June 13, 2012 which included two check runs. Mr. Holmes seconded. The vote was unanimous.

OLD BUSINESS

- a. Status of discussions with Charlestown Township concerning Fire Company cost sharing – Mr. Holmes stated that the results of an audit are anticipated and, when available, a meeting with Charlestown Township will be scheduled. He indicated that East Whiteland feels that Charlestown is not paying its fair share for fire protection.

- b. Discussion of path through Township owned property at 15 Deer Run Lane connecting that community with the Chester Valley Trail – Ms. McMichael indicated that the Board recognized that issues have been raised by legal counsel representing one of the neighbors. She reported that the Township’s legal counsel is addressing these issues and, when complete, they will report their findings. This is a matter of significant concern on both sides of the issue, and it is the Board’s feeling that it is very important to do a thorough analysis before making a decision. It is in the Township’s and community’s interest that the Township engineer be asked to do an investigation of the site and to perform surveys. She indicated that ARRO has proposed to do a topographic survey of the pump station property, staking the property line, preparing a base plan showing existing pump station buildings, including trees, grading, storm facilities and erosion control. They will then present a design for a potential trail connection. Discussion ensued. Mr. Mott made a motion to accept ARRO’s proposal for an engineering survey, Mr. Holmes seconded and the vote was unanimous. Ms. McMichael indicated that neighbors should be aware that ARRO employees will be in the neighborhood performing this work. She stressed that the work is for investigational purposes only and, when completed, the community will be made aware of the results.

Bob Milton felt that in requesting a proposal from ARRO, it should include the Township’s requirements, exceptions, etc. Ms. Woodman indicated that this is a topographical survey and when completed, will indicate what the best proposal for a trail would be. Ms. McMichael stated that the Board’s intent is to do something that is going to have the minimum adverse impact on the neighborhood. In response to a question from Terry Schneider, Deer Run Lane, Ms. McMichael indicated that as a practical matter, this work would not proceed until a report is received from the Township Solicitor regarding the legal issues raised.

Kevin Morrow, Deer Run Lane, spoke on behalf of the residents in favor of the path. He cited statistics pulled from a survey done in 2003 where residents’ input was sought in regard to a multi-purpose paved trail system. The survey indicated approval of a paved path. He reminded everyone that this path is one of many in an already approved Parks and Recreation master plan, a plan created with input from the community. He asked residents who were in favor of the path to stand – 22 did so.

Mr. Mott felt that the survey might be skewed, indicating that those residents not in favor simply did not respond to the survey. Mr. Holmes stated that the Board was very aware of the issues involved in this decision.

Angel Connelly thanked the Board for investigating further. She inquired about signs she had seen in neighborhoods stating “no trail parking”. Chief Dooley stated that the signs were posted to eliminate any of the neighborhoods’ concerns about unwanted intrusions. They were installed in areas where parking was likely to take place when trail access is sought.

Ken Razor, Buck Lane, asked when the Board would be making a decision on the project. He indicated that the longer no decision is made, it is worse for the neighborhood. Mr. Mott felt that it would be in the fall. Ms. McMichael stated that the soonest a decision would be made was at the September Board Meeting. In response to a question from Mr. Razor, Ms. McMichael outlined the steps needed to be taken before a decision is made. Discussion ensued. Mr. Mott made a motion that the Board will not make a decision on a trail access path prior to the September meeting of the Board. Ms. McMichael seconded and the vote was unanimous.

Vanessa Broadbelt, ten years old, suggested residents vote on this issue. In response to a question from Ms. Woodman, Miss Broadbelt indicated that voters should be at least 15 years of age. Ms. McMichael responded that residents could indeed “vote”, expressing their opinion via e-mail, letter, or signing a petition. She thanked Miss Broadbelt for her input.

Ms. McMichael called a break in the meeting at 7:55 p.m. The meeting resumed at 8:10 p.m.

NEW BUSINESS

- a. Resolution No. 15 – 2012 - Ms. McMichael stated that with the expansion of Rt. 202 PennDOT will be installing additional traffic lights. This will move the Township forward on traffic circulation. Ms. Woodman has indicated that McMahan and Associates has looked over the agreement. PennDOT will install the lights and the Township will be responsible for their maintenance. Mr. Mott made a motion to adopt Resolution No. 15-2012 authorizing the Township Manager to sign a “Cooperative Memorandum of Agreement” and a “Traffic Signal Maintenance Agreement” with the Commonwealth of Pennsylvania Department of Transportation for the adaptive traffic signal system to be installed along Rt. 401 in the vicinity of Rt. 202. Mr. Holmes seconded and the vote was unanimous.
- b. Conditional Use Application – Ms. McMichael indicated that Poplar investments wishes to hold a certain number of previously approved parking spaces in reserve. Moira Kirk, Fahnestock Road, is concerned about the zoning of this site and is requesting information. Ms. Woodman indicated that the plan was approved and protected under prior zoning. To hold required parking spaces in reserve requires

- special consideration, hence, this evening's vote. She explained that the storage is an accessory use to the office. In this case, it is the headquarters where the storage is an area to be shown to investors in the business. The storage can only be in the building as long as the corporate headquarters is housed there. If the headquarters are moved, the storage space is reverted to office use only. Ms. McMichael suggested that a representative of the company meet with the neighbors to address this issue. Ms. Kirk would like to view all the legal documents associated with the project and expounded on her concerns. Ms. Woodman suggested she call the Township and make an appointment with Eric Reed to review the documents. Allison Zarro, attorney for Cube Smart, indicated that their representative could not be present this evening but asked that the matter of the Conditional Use application go forward. She demonstrated a willingness to arrange a time for the neighbors to ask questions of a Cube Smart representative. Mr. Holmes made a motion to approve the Conditional Use application filed by Poplar Investments to hold a certain number of previously approved parking spaces in reserve. Mr. Mott seconded and the vote was unanimous.
- c. Advertise Public Hearing – Mr. Mott made a motion to advertise a Public Hearing to be held on July 11, 2012 to consider the application of O'Neill Properties Group to amend the Zoning Ordinance to increase the maximum building height of office only buildings and retail/office buildings in the ROC/R Zoning District and to provide standards for multifamily residential parking space in the ROC/R Zoning District. Mr. Holmes seconded and the vote was unanimous.
- d. Advertise Contract Proposal – Mr. Holmes made a motion to authorize the advertisement of the Township's intent to receive proposals for a Traffic Signal Maintenance Contract. Mr. Mott seconded and the vote was unanimous.
- e. Authorize Topographic Study – Ms. McMichael indicated that the study would encompass the intersection of Old Lancaster Pike and Warren Avenue relative to storm drainage. The Township Engineer will prepare the plan. The work is budgeted. Mr. Holmes made a motion to authorize ARRO to provide engineering for storm drainage per their June 8, 2012 memo. Mr. Mott seconded and the vote was unanimous.
- f. Request from County Commissioners - Ms. McMichael pointed out that a communication has been received from the Chester County Commissioners' office concerning options to help offset the funding reductions being experienced as they relate to the Department of Emergency Services. The County is looking to upgrade major equipment and is asking municipalities to pay for these expenses. They would pass along the expense and are proposing a per capita fee which translates into approximately \$55,350 per year for East Whiteland. Ms. McMichael indicated that she does not agree with the premise and feels that the Township would be adversely affected by this charge. Mr. Mott was of the opinion that this charge should be part of the County tax. Discussion ensued. Ms. McMichael made a motion to adopt a Resolution authorizing the Township Manager to draft a letter to the County

Commissioners, with a copy to Mark Rupis, CEO of the County Commissioners, expressing in very clear terms that the East Whiteland Board of Supervisors strongly opposes the proposal. Mr. Holmes seconded and the vote was unanimous. It was determined that Ms. Woodman would attend the Chester County Commissioners' meeting on June 19, 2012.

- g. Abandoned Property – Ms. McMichael indicated that Ms. Woodman brought to the Board's attention that there is a relatively small parcel of land (40' wide X 80' long) which has no owner. The property is adjacent to Village Way and no one is interested in purchasing this parcel. Discussion ensued regarding the Township banking this property. Mr. Mott made a motion authorizing the Township Manager to pursue the notice of abandonment of the property adjacent to Village Way. Mr. Holmes seconded and the vote was unanimous.

Ms. McMichael suspended the meeting at 8:45 p.m.

PUBLIC HEARINGS

Court reporter, Elaine Parrish, recorded all testimony.

- a. Consideration of 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

The Hearing began at 8:50 p.m. At the conclusion of this Hearing, the Public Meeting was reconvened. A motion was made by John Mott, seconded by Bill Holmes and approved unanimously to approve the proposed Zoning Ordinance amendment to the INS – Institutional Zoning District.

Ms. McMichael reconvened the meeting at 9:00 p.m.

PLANS

- Preliminary/Final Land Development Plan submitted by the Sisters, Servants of the Immaculate Heart of Mary – Plan calls for an addition of 38,896 sq. ft to Camilla Hall, at 1140 King Road, in an INS – Institutional Zoning District.

Sister Ann Veronica Burrows addressed the Board and explained the history of Camilla Hall. Built in 1961, she explained that the original design was similar to a hospital. Today, they are planning to change the floor plan to develop more of a community feel with larger nursing stations, bigger restaurants, more lounge areas, and more public restrooms.

Neil Camans, P.E., Chester Valley Engineers, indicated on the Land Development Plan where the additions will be made to both the building structure and to the parking lots.

Mr. Camans said that two new storm water detention basins will be built to handle the storm water displaced by the additional roof top and impervious surfaces. Mr. Camans said his client was seeking a waiver from the section of the Subdivision and Land Development Ordinance that regulated plantings around basins. Explaining that during a 100 year storm event, the deepest the water is expected to be in the basins is 18 inches. Instead of ringing the basins with bushes and a fence, the Sisters are asking to use other landscaping materials to make the basins blend into the existing features.

In response to a question, Gene March, O'Donnell and Naccarato Project Engineers, said the estimated construction season is 22 months. The building will remain occupied and the contractors will have to work around the existing residents.

A motion was made by Bill Holmes, seconded by John Mott and approved unanimously to approve the Land Development Plan and to approve the requested storm water basin landscaping waiver with the condition that this approval is subject to pending ordinance regulations.

PUBLIC HEARINGS (continued)

b. Consideration of amendments to the Police Pension Plan

The Hearing was opened at 9:10 p.m. At the conclusion of the Hearing, the Public Meeting was reconvened and a motion was made by John Mott, seconded by Bill Holmes and approved unanimously to adopt the changes to the Police Pension Plan as presented.

c. Consideration of amendments to the Firefighters Pension Plan

The Hearing was opened at 9:20 p.m. At the conclusion of the Hearing, the Public Meeting was reconvened and a motion was made by Bill Holmes, seconded by John Mott and approved unanimously to adopt the revised Firefighters Pension Plan Document.

There being no further business, the meeting adjourned at 9:28 p.m.

Respectfully submitted,

Mary Lou Knight
Assistant Township Secretary