

EAST WHITELAND TOWNSHIP  
REGULAR MEETING  
February 8, 2012

Chair, Virginia McMichael called the meeting to order at 7:00 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 forty (40) 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 January 11, 2012. Mr. Holmes seconded and the vote was unanimous.

ANNOUNCEMENTS

Ms. McMichael made the following announcement:

- The Township Building will be closed Monday, February 20, 2012 in recognition of Presidents' Day.
- East Whiteland Township residents are reminded that their 2011 Local Earned Income Tax returns should be submitted to Keystone Collections Group this year. Returns are due by April 17th. If a 2011 tax return form has not been received in the mail, it is available on-line at [www.keystonecollects.com](http://www.keystonecollects.com) or it can be picked up at the Township building.

PUBLIC COMMENT

Andrew Greene spoke to the Board about speeding on Fahnestock Road. It was suggested to talk to the Police Chief to brief the department on the particulars about the speeders.

There was a great deal of discussion regarding the proposed installation of a path connecting the Chester Valley Trail along the Malin pumping station at Deer Run Lane. Among those voicing their concerns and/or approval were Kelly DiPrinzio, Ed Alexander, Lois Hoot, Charles Hirshfield, Mary Baylor, Dave Hoot, Kevin Morrow, Esther Hempster, Anne Catalini, Bob Milton, Connie Marino, Nick Merriweather, Andy Preston, Jay Pulach, .

Main concerns of those opposed:

- Width of paved path as it relates to neighbors directly adjacent to path.
- More traffic would be created on Deer Run Lane

- Public parking on Deer Run would be a problem
- How much will it cost? How much grant money is available?
- Loss of privacy to those neighbors adjacent to the path.
  
- Neighbors in the area are concerned about the safety of their small children should the trail access go forward.
- Will path require condemnation of property?

Those in favor of path pointed out that:

- This would be the only public access spot to get onto the trail for approximately 100 houses. It would benefit a host of people. Only way to get to trail at this time is to walk through neighbors properties, walk to Malin Station along Swedesford Road or Rt. 401, or drive to station. All walking options pose a possible danger.

Residents requested that:

- Neighbors should have all information before a decision is made on installing this path. To this end, an informational meeting should be held.
- Township should do what it can to make it palatable to neighbors most impacted, i.e., fencing to separate their property from the path.

Mr. Holmes indicated that at this time the trail access plan is a very rough estimate of what will be done. Mr. Steele will be assessing the feasibility of installing a path at Malin Station. Mr. Mott noted that the concept of the trail plan is to try to tie neighborhoods together. Ms. McMichael suggested that the Township meet with the neighbors to try to come up with a plan. This might be accomplished through a Town Hall meeting. Information can also be shared via the Township website. Ms. McMichael stated that the Board is not prepared to make a decision today, and, she thanked all those who came to the meeting to voice their concerns.

Ms. McMichael called a break in the meeting at 8:20 p.m. The meeting reconvened at 8:40 p.m.

## 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 an open house at the Fire House is scheduled for May 5, 2012.

Annual MS4 Report  
Township Engineer Reports

**Annual MS-4 (Municipal Separate Storm Sewer System)  
Engineer's Report for 9<sup>th</sup> Year  
East Whiteland Township**

Darrell Becker, Township Engineer, summarized the Engineer's MS4 (Municipal Separate Storm Sewer System) report for the 9th year. The Township received a NPDES (National Pollutant Discharge Elimination System) Permit in year 2003. Part of the regulations requires the Township Engineer provide an overview of the MS4 (Municipal Separate Storm Sewer System) activities that have occurred during the year. Following is the Engineer's Report for the 9th year, ending March 9, 2012.

The PA DEP outlined six (6) protocols to be followed to achieve compliance.

The **DEP Protocols** are:

- MCM1 – Public education and outreach on stormwater impacts
- MCM2 – Public involvement/participation
- MCM3 – Illicit discharge detection and elimination (IDD&E)
- McM4 – Construction site stormwater runoff control
- MCM5 – Post-construction stormwater management in new development and re-development.
- McM6 – Pollution prevention/good housekeeping for municipal operations.

Comments have been received from DEP for Year 6 and Year 7 which suggest that minor improvements be made in response to their protocol. Review comments from DEP for Year 8 were received on February 2, 2012.

- **Education and Public Participation (MCM1 and MCM2)** – Ms. Woodman continues to improve these programs. She is working with the Chester-Crum Creek (CRC) Watershed Association which assists the Township with the Public Education and Public Participation requirements. Some suggested comments offered by DEP will be incorporated in this report.
- **Illicit Discharge Detention and Elimination (IDD&E) (MCM3)** - is being implemented by AARO. DEP suggested that the latest MS4 maps be modified to increase the font size and improve legibility. Improvement of the maps will be implemented at a later date when funds are available. As suggested by DEP, AARO has and will continue to review questionable outfall locations as shown on the GIS map. Addition, removal or re-designation of outfalls will be done as needed. Specific attention will be made to stormwater outfall management basins (inlet and outlet) to ensure proper designation.

AARO continues to implement the Stormwater Management Ordinance No. 180-2006, amended by Ordinance No. 233-2011, which prohibits non-stormwater discharges 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 AARO for its compliance with the stormwater Ordinance. As the program moves forward, it becomes increasingly important to limit waivers and modifications to the Stormwater Ordinance requirements in order for the township to meet its commitments.

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

- **Post-construction Stormwater Management in New Development and Re-development (MCM5)** is implemented during and after construction. As-built Plans are required for all completed projects which are reviewed by AARO for compliance with the Ordinance.

AARO is 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. The DEP review indicates that a legal framework policy may need updating for reporting of and enforcing proper operations and maintenance.

- **Pollution Prevention/Good Housekeeping for Municipal Operations (MCM6)** is updated as necessary and Bill Steele provides follow-up training. Training attendance is to be recorded.

East Whiteland Township and AARO will continue to work toward addressing the six existing Protocols during the upcoming extension period of the permit: June 12, 2012 – March 15, 2013, Year 10 of the program, and will report on the progress throughout the year as the Notice of Intent and new permit application is filed.

Mr. Becker outlined points included in the additional information portion of the report which is available on the Township's website. Discussion ensued.

### Emergency Disaster Planning

Ken Battin outlined the Township's Emergency Operations Plan (EOP) as follows:

Basic All Hazard Plan – details emergency response policies; describes the response organization; describes the relationships between the local response organization and other response organizations; assigns responsibilities; is an all-hazard document; and includes the promulgation page which provides official notice of the adoption of the EOP as an official document with the force of law and is formalized by Resolution.

The Basic Plan – includes Township Resolution promulgation; overview of hazard vulnerability analysis; identifies concept of operations and continuity of government; identifies organization of operations and assignment of operations.

Emergency Response Checklist – establishes operational duties and responsibilities of elected officials; emergency management coordinator; police; fire and rescue; medical; and communication.

Notification and Resource Manual – includes emergency contact information for EWT employees; and resource contact information for transportation, towing, construction equipment, and schools.

Hazard Specific Checklist - provides guidance for terrorism activities for each threat level.

Forms – copies of all forms that may be needed including disaster declaration; EOC logs; damage assessment forms; sample press releases.

Damage Assessment – policy and procedure to establish a rapid damage assessment; form attached; windshield survey.

Hazard Mitigation – the sustained action taken to reduce or eliminate long-term risk to people and their property from hazards; mitigation focuses on breaking the cycle of disaster damage, reconstruction, and repeated damage; includes a section to outline the damages incurred by the 2011 storms; East Whiteland Township will participate in a multi-jurisdictional plan developed by CCDES.

Discussion ensued. Ms. McMichael thanked Mr. Battin for this overview and indicated that the Supervisors have a copy of the plan.

#### ACCEPTANCE OF THE TREASURER’S REPORT

Ms. Woodman summarized the Treasurer’s Report. Ms. McMichael stated that she was pleased at how the year ended. She indicated that the Board’s decision not to raise taxes might mean that the Township would be dipping into the rainy day fund for 2011 in the approximate amount of \$225,000. Through very good management by the Township Manager and Department Heads, not only did the rainy day fund remain intact, but the Township came in under budget by approximately \$40,000. She feels that the Township is very fortunate to have a good tax base and she thanked staff for the great job they did. Mr. Holmes made a motion to accept the Treasurer’s Report dated January 31, 2012. Mr. Holmes seconded and the vote was unanimous. The Treasurer’s Report balance totals of the January 31, 2012 are as follows:

General Fund	\$ 3,163,533.98
Street Light Fund	10,868.95
Sewer Fund	4,131,137.36

Sewer Fund Reserve	4,440,221.27
Sewer Construction Fund	77.08
Park Development Fund	337,541.24
Capital Improvement Fund	2,230,169.03
Dare Fund	3,905.25
State Fund	229.25

### APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Ms. McMichael noted that the check run included funds being transferred from Citizens Bank to Meridian Bank. Mr. Lokken said this was done in order to get a more favorable rate on these monies. Mr. Mott made a motion for approval, including the second check run, of General Fund Voucher No. 2012-2G, Sewer Fund Voucher No. 2012-2S, and Payroll Fund Voucher Nos. 2012-2 and 3. Mr. Holmes seconded. The vote was unanimous.

### OLD BUSINESS

- a. Sinkhole Status updates – Mr. Steele reported that the sinkhole in Malvern Hunt has been repaired. As to the sinkhole on Sidley Road, repair to the lawn will take place when the weather allows. In addition, removal of certain downspouts will take place to stop the concentration of water in that area.
  
- b. Discussion of potential changes to approved Land Development Plan for Whiteland Village (Makemie at Whiteland) – Mary Ann Rossi, Esq. and Jack Robinson, P.E. were present representing Presby Inspired Life. The plan is intended as a non-profit retirement community. Ms. Rossi reviewed the changes. Mr. Robinson indicated that the review letter was submitted to the Planning Commission and placement of the sidewalk was a topic of their discussion. He pointed out that accommodating a sidewalk as shown on the original plan would require that everything, including the buildings, would be pushed back. The Commission has also expressed an interest in giving suggestions for road names within the complex. The applicant has been requested to produce a fiscal impact analysis which explains how the development is different from that presented previously. Size of development shows that the numbers of buildings have been reduced 71% since 2005. Ms. Woodman pointed out that the new model shows mostly rental units while the original model was based on units for sale. Due to this change, the Township will lose a large portion of the expected revenue as outlined in the original fiscal impact analysis

### NEW BUSINESS

- a. Discussion of Building Permit fee for Solar Array Field. – Ms. Woodman stated that the Board must adopt a fee schedule for the solar array field. These fees could be very high. Discussion ensued. Mr. Mott made a motion to authorize staff to negotiate with Frazer/Exton Development on solar field permit fee calculations and basically settle on the number of panels planned for the solar field. Mr. Holmes seconded and the vote was unanimous.

- b. Charlestown Township Fair-share Negotiations Status – Mr. Holmes indicated that Charlestown Township is not paying their fair share of fire services provided to them by East Whiteland. Their share of fire protection is much greater than what they are currently paying. Mr. Holmes will meet with Charlestown Supervisors to negotiate this inequity.
- c. Adopt Revised Personnel Policy Handbook – Ms. Woodman stated that the personnel policy handbook has not had a comprehensive revision in twenty-two (22) years. Discussion ensued. Mr. Holmes made a motion to adopt the Revised Personnel Policy Handbook dated February 8, 2012. Mr. Mott seconded and the vote was unanimous.
- d. Resolution No. 9-2012 – Mr. Mott made a motion to adopt Resolution No. 9-2012 affirming the Township’s Emergency Operations Plan as amended. Mr. Holmes seconded. The vote was unanimous.

Ms. McMichael suspended the meeting at 9:50 p.m.

#### PUBLIC HEARING

Court reporter, Elaine Parish, recorded all testimony.

- Proposed amendment to the Township’s Zoning Map rezoning a portion of Township owned property on the southwest corner of Mill Lane and Conestoga Road (Rt. 401) as an INS – Institutional Zoning District in lieu of the current OS – Open Space Zoning District

At the conclusion of the evening’s testimony, the Board voted to continue the Public Hearing to the March Board of Supervisors meeting.

There being no further business, the meeting adjourned at 10:35 p.m.

Respectfully submitted,

Mary Lou Knight  
Assistant Township Secretary