

EAST WHITELAND TOWNSHIP
REGULAR MEETING
February 13, 2013

Virginia McMichael, Chair, 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, George Lokken, Finance Director and Maureen Perri, Township Secretary were present. There were fifteen (15) people in the audience at the start of the meeting.

Members of Boy Scout Troop #76 led everyone in reciting the Pledge of Allegiance.

Mr. Mott made a motion to approve the Minutes of the Organizational and Regular Meeting of January 7, 2013. Ms. McMichael seconded and the vote was in the majority. Mr. Holmes abstained from the vote as he was not present at the meeting.

ANNOUNCEMENTS

Ms. McMichael announced the following:

- The Township Building will be closed Monday, February 18, 2013 in recognition of Presidents' Day.
- East Whiteland Township residents are reminded that their 2012 Local Earned Income Tax returns are due by April 15. If you have not already received a 2012 tax return form in the mail, you can get them on-line at www.keystonecollects.com or you can pick them up at the Township building

PUBLIC COMMENT

David Iacobucci, 3 Sleighride Drive, stated the difficulties he is experiencing with a dog business located on Three Tun Road. He mentioned that between the hours of 7 am -12 noon and 2-6 pm there are approximately 30-40 dogs outside. The business was cited under the Animal Control Ordinance section concerning barking dogs. The ordinance states that there not be barking lasting 15 minutes or more. Mr. Iacobucci attended the hearing held in the District Justice's office and at the close of the hearing, the Justice did not rule against the business. Mr. Iacobucci's home is situated on a hillside above the kennel and the barking sound travels up the hill. Eric Reed, Code Enforcement Officer, stated that on several occasions he positioned himself in the parking lot across from the kennel to listen to the barking. He told the Supervisors that he has cited the business for barking on five occasions. Mr. Reed prepared violation notices and submitted them to the Court. Discussion ensued.

Ms. Woodman suggested that Mr. Iacobucci allow the police department access to his rear deck so that they can use the noise meter to register the decibel level of the barking and, if the reading is above the allowable levels, the officer can cite the business as violating our Noise Ordinance.

Ms. McMichael read a letter from the McNulty family commending the police department and three EMTs (Jack Stewart, Steve Kronmuller and Quinten Lotz) from East Whiteland and one EMT from Malvern (John Ardis) with saving their son's life when he suffered a cardiac arrest. The family gave gift cards in the amount of \$25 to each of the EMTs.

Ms. Woodman advised that during the week an individual who had been running on the Chester Valley Trail came into the Township Building complaining of chest pains. Members of the Codes and Life Safety Department tended to this individual until EMTs arrived and transported him to Paoli Hospital.

SWEARING IN OF FIRE POLICE OFFICERS

Mr. Tom Cockerham gave a brief outline of the responsibilities of the fire police for the benefit of the audience and Boy Scouts.

The following individuals were sworn in as follows: William Best, Sr., Robert Bressi, Thomas Cockerham, Barbara Comiskey, William Humphreys, Jr., Cassandra Obert-Thorn, Thomas Obert-Thorn, Jr., Alexander Petropoulos, James Skymba and Kevin Skymba.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

East Whiteland Volunteer Fire Department

Ken Hurley, Fire Chief recited the responses made by the Fire Company for the month of January.

ANNUAL MS4 ENGINEER'S REPORT FOR 10th YEAR
(MUNICIPAL SEPARATE STORM SEWER SYSTEM)

Township Engineer, Darrell Becker, P.E. told the Board and audience that East Whiteland Township received an NPDES (National Pollutant Discharge Elimination System) Permit in 2003. He said that as part of the compliance activities, the Township Engineer provides an overview of the MS4 (Municipal Separate Storm Sewer System) activities that have occurred during the year. Below is his Report for the 10th year, ending March 15, 2013.

The PA DEP outlined six (6) protocols, which were to be followed to meet its compliance within a five-year permit cycle, starting in year 2003. The MS4 Permit Program is now in its 10th year. The current permit expires at midnight on March 15, 2013. East Whiteland Township submitted an Individual Permit Application or NOI for renewal on September 14, 2012.

East Whiteland Township should continue to carry out activities as necessary to fulfill Minimum Control Measure Nos. 1 through 6, continuing year 5 activities through March 15, 2013. PA DEP is required to provide a new permit prior to expiration of the existing permit.

The current **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 redevelopment
- MCM6 - Pollution prevention/good housekeeping for municipal operations

The new **DEP Protocols** will remain the same with several expected enhancements.

We received comments from DEP for Year 8 on February 2, 2012. Year 9 comments have not been received. Some recommended improvements and changes in the implementation of the protocols will be made as appropriate and as outlined in the below to continue compliance with the permit.

• **Education and Public Participation (MCM1 and MCM2):** Township Manager Terry 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, such as repairing and improving website links and content will be incorporated in this report.

- **Illicit Discharge Detention and Elimination (IDD&E) (MCM3)** is being implemented by the Township Engineer. DEP suggested we modify the latest MS4 maps to increase the font size and improve legibility. ARRO has been improving and updating the maps as necessary this year for the NOI submittal and to maintain compliance. As suggested by DEP, we have and will continue to review questionable outfall locations as shown on the GIS map. We will add, remove or re-designate outfalls and outlets as needed. Mapping stormwater management BMP's will also be a priority.

We continue to implement Stormwater Management Ordinance No. 180-2006, as amended, which prohibits the discharge of non-stormwater into the Township storm sewer system.

The Township has IDD&E education information available in its lobby for residents and contractors.

- **Construction Site Stormwater Runoff Control (MCM4).** Plans are reviewed by the Township Engineer's office for compliance with the Stormwater Management Ordinance. ARRO and the Township also coordinate the Erosion & Sedimentation Design Plans with the Chester County Conservation District.

The Township's memo of understanding (MOU) with the County outlines the Conservation District responsibilities with respect to MCM4. Under the new permit, MCM 4 compliance activities will be delegated to the Conservation District. The Township should carefully review the MOU to ensure compliance responsibilities of the Township and Conservation District are clearly delineated.

- **Post-construction Stormwater Management in New Development and Redevelopment (MCM5)** is implemented during and after construction. As-built Plans are required for all completed projects, which are reviewed by the Township Engineer for compliance with the Ordinance. The construction phase items of MCM5 will be delegated in the MOU to the Conservation District.

We are continuing 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 new permit requires a legal framework for enforcing and recording proper operation and maintenance of post construction stormwater management facilities (both private and municipally owned).

- **Pollution Prevention/Good Housekeeping for Municipal Operations (MCM6)** is updated as necessary and the Public Works Superintendent provides follow-up training. Training attendance must be recorded.

East Whiteland Township and ARRO 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.

Additional items for the Board’s consideration for this year and next.

• New Permit Cycle:

East Whiteland Township submitted an NPDES Individual Permit Application or NOI for renewal prior to the September 14, 2012 deadline and is awaiting the new permit along with its implementation requirements and clarifications, which is expected by March 15, 2013.

• MS4 TMDL Plan Requirements:

Federal regulations require that any NPDES permit issued for discharges to waters with an established Total Maximum Daily Load (TMDL) must be consistent with the assumptions and requirements in Waste Load Allocations (WLAs) in approved TMDLs. The TMDL Implementation Plan submitted with the NOI will be required to be implemented and kept up to date each year.

• Ordinance Update:

East Whiteland Township, a renewal permittee, must demonstrate the existing Stormwater Management Ordinance satisfies all applicable ordinance requirements outlined in the new MS4 Stormwater Management Ordinance Checklist. The ordinance must be from an applicable Act 167 Stormwater Management Plan approved by DEP or an ordinance that satisfies all applicable requirements in a completed and signed MS4 Stormwater Management Ordinance Checklist. ARRO will assist the Township in reviewing and revising the Township Ordinances as necessary to comply with the new permit requirements.

• New Fee Schedules:

The fee to submit the Individual Permit Application was \$2,500 for permit renewals. At the end of each permit year, an annual fee of \$500 for Individual Permits is to be provided with the yearly report.

ACCEPTANCE OF THE TREASURER’S REPORT

Ms. Woodman summarized the Treasurer’s Report. Ms. McMichael made a motion to accept the Treasurer’s Report dated January 31, 2013. Mr. Holmes seconded the motion and the vote was unanimous. The Treasurer’s Report balance totals as of January 31, 2013 are as follows:

General Fund	\$ 3,088,275.56
Street Light Fund	14,707.05
Sewer Fund	5,018,742.31
Sewer Fund Reserve	3,785,280.27
Sewer Construction Fund	77.08

Park Development Fund	234,366.67
Capital Improvement Fund	2,204,956.32
Dare Fund	1,302.21
State Fund	109.82

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Mott made a motion for approval of General Fund Voucher No. 2013-1G, Sewer Fund Voucher No. 2013-1S, and Payroll Fund Voucher Nos. 2013-02, 03 and 2013-04 which included two check runs. Mr. Holmes seconded the motion and the vote was unanimous.

OLD BUSINESS

Appointment to Boards and Commissions:

Resolution No 8-2013 outlines the appointments as follows:

- a. Motion made by Mr. Holmes to reappoint Jeffrey Freeman as a regular member and William Wrabley as an alternate member to Zoning Hearing Board for 3 year terms. Mr. Mott seconded the motion and the vote was unanimous;
- b. Motion made by Mr. Mott to appoint Deborah Watkins to the Environmental Advisory Council for a 3 year term. Mr. Holmes seconded the motion and the vote was unanimous;
- c. Motion made by Mr. Mott to reappoint William Hughes, Jr. to Police Pension Board for a 3 year term. Mr. Holmes seconded the motion and the vote was unanimous.

Resolution No. 6-2013 – Mr. Holmes made a motion to appoint Bob Eshleman to the vacancy Board for a term of one year. Ms. McMichael seconded the motion and the vote was unanimous.

NEW BUSINESS

- a. Bryn Erin Trash Complaint - Mr. Holmes advised everyone that this issue was handled by Sgt. Mitchell who contacted the residents/owners concerning the need to correct the trash/rodent issue.
- b. Award Bid –Gasoline Bid– 2013 – The bid was duly advertised in the *Daily Local News* on January 2 and 9, 2013. Mr. Steele stated that the quantity of gasoline purchased each year is approximately 40,000 gallons. We received three bids and the lowest bidder is Riley & Sons. Mr. Holmes made a motion to award the contract as outlined in Mr. Steele’s memo, dated February 6, 2013, which is attached to the Minutes of this meeting. Mr. Mott seconded the motion and the vote was unanimous.

- c. Change Order for Ronca & Sons – The Mill Lane Pump Station contractor is requesting a change order in the amount of \$4,019.83. This change involves the way the electrical lines come into the pump station. The contractor will install stainless steel junction boxes located on the outside of the building. Ms. McMichael made a motion to approve the change order submitted by Ronca in the amount of \$4,019.83. The motion was seconded by Mr. Mott and the vote was unanimous in favor.
- d. Stormwater Ordinance Waiver Request by Janssen Pharmaceutical – The waiver is requested from the requirement of the Stormwater Ordinance Section 170-4 C(1)(a & b) for building M9 located on four acres at 260 Great Valley Parkway. The request resulted from a proposed change in use of the building and the proposed addition of a parking lot. A field investigation was conducted to see if Janssen met the requirements of the Stormwater Ordinance. The study showed limestone geology underlying the property. Janssen is requesting a waiver for relief from the requirement to infiltrate a specific volume of stormwater runoff. Instead of infiltration they will direct the runoff into a subsurface retention reservoir and then it will be metered out. Mr. Mott made a motion to approve the waiver from the Stormwater Ordinance requirements as requested. The motion was seconded by Mr. Holmes and the motion was approved unanimously.

Ms. McMichael called a break in the meeting at 7:50 p.m.

PUBLIC HEARING

At 7:55, Ms. McMichael opened a public hearing to consider an amendment to the signage regulations governing the O/BP – Office/Business Park Zoning District. Ms. McMichael said that due to a slight change in the language of the proposed Ordinance amendment, tonight's hearing will be continued to March 13, 2013. The hearing was closed at 7:58 pm.

Chairman McMichael resumed the regular Board meeting. Hearing no further business, the regular meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Maureen G. Perri
Township Secretary