

EAST WHITELAND TOWNSHIP  
REGULAR MEETING  
February 12, 2014

William Holmes, Chair, called the meeting to order at 7:00 p.m. John Mott, Vice Chair, Virginia McMichael Member, Bereth Graeff, Township Solicitor, Terry Woodman, Township Manager, Eugene Dooley, Police Chief, and Maureen Perri, Township Secretary was present. There were twenty (20) people in the audience at the start of the meeting.

Everyone recited the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Mott made a motion to approve the Minutes of the Regular Meeting of January 15, 2014. Ms. McMichael seconded and the vote was unanimous. Ms. McMichael made a motion to approve the minutes of the public hearing of January 27, 2014 concerning the bond financing for the Friends of East Whiteland Fire Company. Mr. Holmes seconded and Mr. Mott abstained. The vote was unanimous.

ANNOUNCEMENTS

Mr. Holmes announced the following:

- The closure of Sidley Road between 7:30 a.m. to 4:30 p.m. from Lapp Rd. to Moores Road will continue through this week for construction of Phase 2 of the sanitary sewer replacement. Beginning next week Sidley Road will be closed between Moores Road and Flat Road between 7:30 am and 4:30 pm.
- The Township Building will be closed the Monday, February 17<sup>th</sup> in recognition of Presidents Day.
- A meeting will be held on February 19, 2014 at Noon to discuss TEFRA (Tax Equity & Fiscal Responsibility Act) concerning borrowing funds on behalf of the Friends of East Whiteland Fire Company.
- Ms. Woodman advised that due to the snow storm anticipated for February 13, 2014 the Township building will be closed and non-essential personnel will not be reporting for work.

### PUBLIC COMMENT

Marty Costello, 12 Locust Drive – wanted to discuss the ice/snow storms of February 9, 2014 which resulted in him receiving parking tickets. He felt that this was unjustified and mentioned that this is the first time in 30+ years that a ticket has ever been issued. Mr. Costello feels that the Ordinance No. 146-2003, Vehicles & Traffic should be reviewed due to what he considers extreme language. He stated that his street is not considered a snow emergency route. Mr. Holmes advised that a review of the Ordinance would be considered. Mr. Costello feels that the Township could notify residents electronically or by some other method when vehicles need to be moved.

Gail Keyes, 453 Lancaster Avenue - she is a property owner and resident who lives behind Karen's K9 located at 459 Lancaster Avenue. She questioned Mr. Rizzo's ability to install a fence on the property. She was advised that the installation of a fence is not considered land development; however, the individual should apply for a building permit. Ms. Keyes feels that noise mitigation is critical due to the barking dogs. She stated that our current Noise Ordinance should be reconsidered because at the time of its enactment dog care facilities didn't exist. The Board was advised that Mr. Rizzo has received approval from the Zoning Hearing Board for the variances for his non-conforming use in VMX – Village Mixed Use Zoning District. Ms. Keyes feels that her ability to rent her property is at issue due to this business.

### PRESENTATION OF THE GREAT VALLEY/ROUTE 29 MULTIMODAL STUDY:

Jeff Reigner said his firm had been selected by TMAAC (Transportation Management Association of Chester County) to evaluate the Route 29 corridor with the purpose of improving vehicle and pedestrian travel and making accommodations for public transit. A copy of the study is available in the Township offices. The study recommends the following improvements be addressed: 1) convert Rt. 29 from high speed auto corridor to one which would provide a corridor for walkable access, be bicycle oriented, and provide convenient access to transit. The study also recommends encouraging transit use for work trips and promoting active transportation between destinations and connecting the pedestrian/bicycle network to the Chester Valley Trail. A discussion ensued on how to implement this plan, funding the improvements and implementing these suggestions. TMAAC is suggesting a coalition of partners be formed to pursue funding for priority projects, grant applications, private contributions and capital budget allocations. Mr. Reigner suggested that the Township could: 1) use the findings of this study to form the transportation element within the next Township Comprehensive Plan; 2) coordinate the funding among entities; and 3) review all new and re-developments for walkable access.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND  
TOWNSHIP OFFICIALS

Gary Sheridan, Fire Chief advised that there were 113 responses made by the Fire Company during the month of January. He stated that they will replace a 20 year old pumper sometime during the spring. Mr. Sheridan stated that there was a meeting with the new paid Sergeants and good discussion ensued.

Ms. Woodman notified the Board that in December the Township spent \$24,494 on salt and anti-skid. There are open purchase orders for January/February which will result in an additional expenditure of \$65,933. Salt shipments are not guaranteed due to the shortage and demand.

Ms. Woodman stated that a meeting on the Public Works facilities occurred with the Reynolds, the Owner's Representative. The architectural improvements were valued as drawn by the architect, Bernardon. The facility was estimated to cost \$7.5 million to build. Further reviews will be done to cut costs prior to bidding the project.

Ms. Woodman stated that the Wilburdale/Flat Road sanitary sewer pump station is being worked on by Mr. Steele along with Arro Engineers to provide an Act 537 Plan for review for PADEP.

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 January 31, 2014. Ms. McMichael seconded the motion and the vote was unanimous. The Treasurer's Report balance totals as of January 31, 2014 are as follows:

General Fund	\$ 4,774,332.24
Street Light Fund	17,632.66
Sewer Fund	3,274,205.36
Sewer Fund Reserve	6,691,987.37
Park Development Fund	324,472.48
Capital Improvement Fund	2,195,162.17
Dare Fund	(115.63)
State Fund	102.82

## APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Ms. McMichael made a motion for approval of General Fund Voucher No. 2014-2G, Sewer Fund Voucher No. 2014-2S, and Payroll Fund Voucher Nos. 2014-02, 03 which included two check runs. Mr. Mott seconded the motion and the vote was unanimous.

## PLANS

Preliminary/Final Land Development Plan for E. Kahn Development Corporation  
Mr. Kahn is proposing to add a 40,306 sq ft addition to join buildings 1 and 2, as well as physical renovations to the Aegon/National Liberty property at 20 Moores Road in a PO – Professional Office Zoning District. Mr. Kahn stated that his tenant wishes to make this their headquarters. The buildings will be LEED Gold certified. He is proposing that the addition will connect the two buildings with a 4 story connector; however, the first two floors are below the grade of the parking lot. Mr. Kahn advised that this campus has been mostly vacant since 2007. In December, he invited nearby residents of Spring Mill Farm to a meeting to discuss this proposal. This application is for the 40,306 sq. ft. addition and associated property renovations. There are two other building lots which were previously approved that may be built in the future.

Mr. Kahn stated that new stormwater management systems will be placed on the property because none exists now. The impervious coverage will only be increased by one-half an acre on this 65 acre site. There will be no additional parking spaces added but they will resurface the lots. New sight lighting will be installed as well as new landscaping. The existing trail will remain and an additional trail will be added to connect it including a spur that will allow neighbors to walk along Sidley Road/Mill Lane.

Mr. Kahn stated that two lighting plans were submitted for review by Arro Engineers. He stated that existing on the property today are 96 light standards. The plan submitted per the Township's Ordinance would require him to install 196 light standards. Mr. Becker stated that in his letter, dated February 11, 2014, item No. 4, "that the lighting plans have been changed to respect the concerns of local residences regarding light spillage onto their property". The plan reviewed by Arro was this alternate plan. Mr. Kahn believes that the Board has the authority to grant the applicant approval of the alternate plan which would have only 109 light standards as opposed to the Ordinance requirement of 196. This reduction in the number of light standards still provides sufficient lighting. The applicant is willing to provide additional lighting at the intersections as noted in Arro's letter, dated February 11, 2014.

Ms. Woodman advised that the applicant's submission included a subdivision plan which was not noted on the application to the County. Therefore, the Board should exclude approving the subdivision plan due to the County's Planning Commission lack of review as defined in the Municipal Planning Code. Discussion ensued.

Mr. Mott made a motion to approve the Preliminary/Final Land Development submitted by E. Kahn Development Corporation for a 40,306 sq ft addition connecting Buildings 1 & 2 and renovation of those buildings and the parking and landscaped areas on the Aegon/National Liberty Campus located at 20 Moores Road in a PO – Professional Office Zoning District subject to Arro’s letter, dated February 11, 2014 with the exception of item #4. The Board will accept the Alternate Lighting designs as detailed on sheets C6.2a and C6.3a. The motion was seconded by Ms. McMichael and the vote was unanimous.

Final Subdivision Plan submitted by Trammell Crow/Atwater. Mr. Colagreco stated that lot A is being subdivided to create lot 15 fronting on Atwater Drive in an O/BP – Office Business Park Zoning District with a RMH Overlay on Lot A and an area of O/BPS Overlay on the south side of the Turnpike Interchange. They are also identifying a parcel of land named “Turnpike Remnant lot” not taken for the turnpike interchange during construction. The balance of the Atwater property from approximately the middle of the quarry lake to the southern property line remains as lot “A”. Mr. Colagreco mentioned that the only approved plan for Atwater had not established these lots.

Mr. Mott made a motion to approve the Final Subdivision Plan for Trammell Crow/Atwater for 1) subdivision of Lot 15; 2) the Pa Turnpike Remnant Lot; and 3) the remaining Atwater lands identified as Lot A. The property is located on the east side of Rt. 29 south of Yellow Springs Road in an O/BP – Office Business Park Zoning District with a RMH Overlay on Lot A and an area of O/BPS Overlay on the south side of the Turnpike Interchange and immediately adjacent to Rt. 29 subject to Arro’s letter, dated January 21, 2014 granting six waiver as listed. Ms. McMichael seconded the motion and the vote was unanimous.

#### OLD BUSINESS

Malvern Meetinghouse Restaurant update – Ms. Graeff advised that the property (536 Lancaster Avenue) is listed for Sheriff’s sale on February 20, 2014. Once the bank takes position the Solicitor will work on having the bank clean up the property.

#### NEW BUSINESS

Discussion for policy changes for Charity Runs held in the Township. Board members discussed a letter from Frank Vassallo who questioned the number of “runs” that are using the street in front of his home for the races. The most recent run, known as “Jingle Bell” started in front of his home located in the Spring Mill Farms. Currently, race organizers who contact the Township are directed to the Police department for traffic control. Organizations are also directed to contact the Homeowner’s Association of the developments that they are running through. Ms. Woodman stated that the Board could develop a policy whereby these associations could be restricted from beginning or ending in a residential neighborhood. Discussion ensued.

The Board directed Ms. Woodman to contact other municipalities relative to their policies on charity runs. The Township Solicitor should be contacted relative to developing this policy.

A motion to adopt a resolution accepting ownership of two properties from the East Whiteland Municipal Authority. The Board was advised that all other properties owned by the Municipal Authority had been transferred. These two properties one located at Mill Lane and the other at Deer Run had not been transferred.

Ms. McMichael made a motion to accept Resolution 9-2014 approving the transfer of all real property of the East Whiteland Municipal Authority located at Deer Run Lane and Mill Lane to East Whiteland Township. Mr. Mott seconded the motion and the vote was unanimous

Motion to award bid for unleaded gasoline. The notice to advertise was published in the Daily Local News on January 8<sup>th</sup> & 14<sup>th</sup> for approximately 40,000 gallons of gasoline. Mr. Steele compiled the bid results in his memorandum dated, February 5, 2014, from the following vendors: Superior Plus, Reilly & Sons and Riggins, Inc. Mr. Steele recommends to the Board that they award the bid to Reilly & Sons whose markup was \$0.100 for a net price to the Township of \$2.7520.

Mr. Mott made a motion to award the bid for 40,000 gallons of gasoline to Reilly and Sons, per Bill Steele memorandum of February 5, 2014 which will be attached to these minutes. Ms. McMichael seconded the motion and the vote was unanimous.

Motion to enter into a contract with the East Whiteland Joint Bargaining Unit - Ms. Woodman stated that negotiations have been ongoing with the Police union since the contract ended in December 31, 2013. Should the Board approve this contract the wages will be retroactive to January 1, 2014. Ms. Woodman stated that this agreement will be for five (5) years and will expire in 2018. She reviewed the various changes to the contract for the Board.

Mr. Mott made a motion to enter into a contract with the East Whiteland Township Joint Negotiation Committee per the contract changes in Ms. Woodman's memorandum, dated January 23, 2014 which will be attached to the minutes. Ms. McMichael seconded the motion and the vote was unanimous.

Motion to enter into an amended Trunk Line Agreement with Valley Forge Sewer Authority. Ms. Woodman advised that the original Agreement was over 30 years old. Valley Forge Sewer Authority wanted additional capacity from the Mill Lane pump station which required that the Agreement be rewritten. The Solicitor reviewed this Agreement to determine that all of the Township's interests were protected. Once the document is executed, the Township will receive over \$1 million for improvements made to the Mill Lane pump station reconstruction and for Sidley Road sewer project.

Ms. McMichael made a motion to enter into an amended Trunk Line Agreement with Valley Forge Sewer Authority as approved by the Township Solicitor. Mr. Mott seconded the motion and the vote was unanimous.

Motion to adopt a Resolution 10-2014 conforming to the Pennsylvania Sewage Facilities Act for the J & J Sparta M-9 building – phase 2 on Great Valley Parkway. PADEP requires that a Township Resolution be approved for any facility which requires additional sewer capacity. This building is over 30 years. J & J Sparta will be changing the use of the building to Research and Development. They will still be required to go through the PADEP processes to get permission that when the Sidley Road trunk line is finished that they will be able to connect.

Mr. Mott made a motion to adopt a Resolution 10-2014 conforming to the Pennsylvania Sewage Facilities Act for the J & J Sparta M-9 building – phase 2 on Great Valley Parkway. Ms. McMichael seconded and the vote was unanimous.

Ms. McMichael made a motion to authorize the advertisement of a Conditional Use hearing to be held on March 12<sup>th</sup> to consider the application of H. A. Steen Industries, Inc. for a digital sign at 49 W. Lancaster Avenue. Mr. Mott seconded and the vote was unanimous.

Mr. Mott made a motion to authorize the hiring of a special council to assist with the Conditional Use hearing listed for H. A. Steen, Inc. at 49 W. Lancaster Avenue. Ms. McMichael seconded and the vote was unanimous.

Ms. McMichael made a motion to authorize the advertisement of a public hearing to be held on March 12<sup>th</sup> to consider an amendment to Section 200-19 of the Township Zoning Ordinance and its accompanying table. Mr. Mott seconded and the vote was unanimous.

Ms. Woodman advised that as a result of hiring an “Owners Representative” for the Public Works facility that there will be a need for additional meeting with the architect. This is a request to reimbursement them for their fees which will be in the range of \$9,000.

Mr. Mott made a motion to approved additional professional Design Services for the Public Works Facility. Ms. McMichael seconded and the vote was unanimous.

### PUBLIC HEARING

Ms. Woodman stated that a bond was issued to pay for the improvements at the Valley Forge Sewer Authority plant as well as the construction of the township’s replacement Mill Lane pump station. To cover the cost of repaying the bond debt as well as the increased costs of operating the system the Township is increasing its fees for District A & B which will amount to an annual increase of \$40 for a total of \$360 per EDUs per year and to increase the Water Usage Area in Districts A & B to \$5.60 per 1,000 gallons. Currently a discount of 2% is offer to households in District A & B and this request change will now include District C & D to have the same advantage.

Mr. Mott made a motion to adopt Ordinance 252-2014 to amend Chapter 154 “Sewers and Sewage Disposal” by amending Article X, Rates and Changes. McMichael seconded and the vote was unanimous

Hearing no further business, the regular meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Maureen G. Perri  
Township Secretary