

EAST WHITELAND TOWNSHIP  
REGULAR MEETING  
June 11, 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, Lt. Chris Yeager, Police Dept, Bill Steele, Public Works Director, Cathy Palmer, Finance Director and Maureen Perri, Township Secretary were present. There were thirty-five (35) 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 May 14, 2014. Ms. McMichael seconded the motion and the vote was unanimous.

ANNOUNCEMENTS

Mr. Holmes announced the following:

- The second Chester County Household Hazardous Waste Collection Event of 2014 will be held on Friday, June 20<sup>th</sup> between 9am and 3pm at the Coatesville 9-10<sup>th</sup> Grade Center, Coatesville, PA 19320. **Electronics will be accepted at this collection event.** For more information on “acceptable” waste check out [www.chestercountyswa.org](http://www.chestercountyswa.org)
- The Conditional Use hearing scheduled for this evening to consider an application filed by the Chester Valley Golf Club has been postponed to the July 9, 2014 Board meeting.

Ms. McMichael announced that as of this meeting she is resigning from her position as Township Supervisor. She thanked all for their support over the past fourteen years as Supervisor.

Mr. Holmes then announced there will be a Special Meeting to interview applicants for Ms. McMichael’s position. The meeting will be held on June 18<sup>th</sup> at 7 PM.

PUBLIC COMMENT

Sharon Connor – 95 Village Way – is concerned about the rumors surrounding the Bishop Tube site. Specifically, the reference to the type of development and pollution cleanup of the site.

Ms. Connor was advised that tonight, following this meeting, there will be a public hearing concerning this site. Mr. Holmes specifically stated that there would be no access from this location through to General Warren Village.

Walter Lynn – 346 N. Warren Avenue – asked for clarification concerning tonight’s hearing about LED signage. He wanted to know whether this was for the Uptown Worthington site or for the digital billboard requested for 49 E. Lancaster Avenue. He was advised that the hearing is to amend the Zoning Ordinance District that governs the Uptown Worthington property.

Martin Costello – 12 Locust Drive –stated that he has been in contact with the Township Solicitor concerning the re-writing of the Snow Ordinance proposed for a hearing at the July meeting. He hopes these changes will be fair and considerate of the citizens.

#### REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

Mr. Mott wanted to acknowledge the passing of Emergency Services Director, Ed Atkins.

Gary Sheridan, President of the EWT Volunteer Fire Association, advised that he did not have his formal report tonight. He expressed his appreciation to Virginia McMichael for her service and support. He stated the new fire engine should be put into service within the month. Mr. Mott asked, if the construction fill for the fire company, was able to be stockpiled somewhere. Mr. Steele stated that it was not need for the Public Works site. Ms. Woodman suggested that the Owner’s Reps for both sites discuss this situation.

Public Works Director - Mr. Steele advised that the sewer project on Mill Lane is 100% complete. Sidley Road, Phase 2 project paving and markings are complete. The final payment will be next month. In reference to the two sewer collapses on Route 401, a company was hired to do a video inspection of the line. Bill felt that the pipe may not be sound and this project will need to be moved up in the schedule.

#### 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 May 31, 2014. Mr. Mott seconded the motion and the vote was unanimous. The Treasurer’s Report balance totals as of May 31, 2014 are as follows:

|                          |                 |
|--------------------------|-----------------|
| General Fund             | \$ 6,005,646.56 |
| Street Light Fund        | 25,967.88       |
| Sewer Fund               | 3,770,380.27    |
| Sewer Fund Reserve       | 7,127,706.76    |
| Park Development Fund    | 324,494.37      |
| Capital Improvement Fund | 2,093,759.07    |
| State Fund               | 262,500.01      |

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Ms. McMichael made a motion for approval of General Fund Voucher No. 2014-6G, Sewer Fund Voucher No. 2014-6S, and Payroll Fund Voucher Nos. 2014-11, 2014-12 which included two check runs. Mr. Mott seconded the motion and the vote was unanimous.

OLD BUSINESS

Malvern Meetinghouse Restaurant update – Mr. Lincke advised that the property (536 Lancaster Avenue) is under dispute over the ownership. The bank is filing a Petition to have a declaration made of a Deed filed in Lieu of Foreclosure. The bank has proceeded to foreclosure but cannot go to Sheriff's sale until this issue is resolved.

Property at King/Morstein Road – Mr. Lincke stated that there was a meeting with residents who have concerns about this property. As a result of that discussion, he is preparing a draft Ordinance to address the issues raised.

Status of historic properties on Rt. 30 and on Church Road – Ms. Woodman advised that correspondence was sent to the property owner on Route 30 and to date there is no action on the clean up. Mr. Lincke asked what action the Board wished to take. He suggested that a review of the Township Ordinances be conducted. He also stated that in order to enter onto the property we would require a warrant.

Intersection at Collegeview/Morstein Road – Ms. Woodman advised that the Police department setup a unit to measure the traffic speed on a weekend. The study indicated that 85% of the vehicles were travelling at 38 mph going north. The southbound traffic's 85% showed a rate of 44 mph and the road is posted for 35 mph. In addition, Sgt. Wilson met with the property owner whose hedges are obstructing visibility. They are willing to cut back the hedges and he will work with them on the site issues. Mr. Holmes asked that McMahan review the speed limit for a posting of 25 mpg.

Status of Policy Development for Runs/Races - will be deferred until the July meeting.

Review of Dog Barking Ordinances – The Board was given documents of other municipalities relative to this issue. They have decided that this issue would be better enforced by amending the Nuisance Ordinance. Mr. Lincke will draft an Ordinance for review by the Board. The audience was informed that this new enforcement will affect both homeowners and businesses. Residents, Mr. Iacobucci and Ms. Dunbar, expressed their opinion relative to this issue. Ms. Rumford asked for clarification as to what constitutes a “nuisance”. Discussion ensued.

## NEW BUSINESS

Motion to enter into a contract for professional services to oversee repairs/restoration at the Valley Creek Park House – Ms. Woodman stated that Frens & Frens was hired in 2011 to review what repairs were necessary to maintain this property. There has been a lot of deferred maintenance and, therefore, she is recommending hiring Frens & Frens to provide construction drawings and documents. There is \$52,000 budgeted for 2014. Mr. Mott made a motion to enter into a contract for professional services to oversee repairs/restoration at Valley Creek Park House. Ms. McMichael seconded and the motion was unanimous.

Motion to approve/deny the adoption of an amendment to the East Whiteland Zoning Ordinance changing Section 200 – 19 to add “passive recreation” as a permitted use in all residential zoning districts. Mr. Lincke asked that this item be deferred to the July meeting for re-advertisement. Mr. Lincke recommended that the new Supervisor be provided with the transcript from the hearing.

Consideration of a waiver request to allow building encroachment into a deed restricted conservation area at 8 Willings Way. – Mr. Sherrock, owner, wants to install a patio and a pool at some future date. He stated that his property has a 25 ft deed restricted area from the wetland. The Army Corp does not regulate any activity outside the wetlands. Mr. Holmes recommended that this request be reviewed by the Township Engineer. Discussion ensued. Mr. Mott made a motion to grant a waiver request to allow building encroachment into a deed restricted conservation area at 8 Willings Way subject to the approval of the Township Engineer. Ms. McMichael seconded and the vote was unanimous.

Discussion of a request for relief from high sewer bills which a property owner attributes to a broken water line. Cecil Moore, Liberty Property Trust, is requesting that the Board consider granting this request for the reduction of their sewer bill in the amount of \$9,514.76. During the period of February to November 2013, they experienced two water line breaks at the Twenty9 Restaurant whereby their average water usage jumped to 9,462 gpd. Prior to this break their historical water consumption average would be 2,812 gpd. Ms. Woodman advised the Board that the Township had no evidence of these breaks. Discussion ensued.

After much discussion, the Board denied the request of Liberty Property for a reduction in the sewer bill due to a water line break.

Discussion of borrowing to finance construction of the new Public Works facility – Mr. Michael Wolf, Boenning & Scattergood, reviewed the options for this new construction project which has been estimated to run \$8 million. Ms. Woodman advised that at least \$1 million has already been expended from the capital reserves. Mr. Holmes stated that several options were presented as to what amount could be borrowed or how the duration of time impacts the rates. Mr. Wolf suggested that the Board adopt an ordinance authorizing the issuance of the Bond at their next meeting, but said the bonds will not be issued until August. He is recommending that the Township request Moody's for a rating for this issue. He said parameters can be added to the

Ordinance to limit borrowing to not more than \$8 million. A final decision on the amount can be made at a future date. Discussion ensued.

Mr. Holmes made a motion to engage Boenning and Scattergood to represent the Township as underwriters for the bond service for the new Public Works facility and to authorize the advertisement of an Ordinance to consider the financing of the Public Works facility. Mr. Mott seconded and the vote was unanimous.

Motion to authorize the advertisement of the Board's intent to receive bids for the construction of a new Public Works facility. Mr. Holmes made a motion to authorize the advertisement of the Board's intent to receive bids for the construction of a Public Works facility. Mr. Mott seconded and the vote was unanimous.

Motion to authorize the advertisement of an amendment to Chapter 189 of the Township's Code of Law. Ms. McMichael made a motion to authorize the advertisement of an amendment to Chapter 189 of the Township's Code. Mr. Mott seconded and the vote was unanimous.

Motion to adopt Resolution No. 14-2014 authorizing the Township Manager to sign a traffic signal permit application. Ms. Woodman stated that this Resolution is to change the signals' timing at Mill Lane for the future driveways from the fire station. This is a requirement of PennDOT to amend the permit blueprint. Mr. Mott made a motion to adopt Resolution No. 14-2014 authorizing the Township Manager to sign traffic signal permit application. Ms. McMichael seconded and the vote was unanimous.

Motion to approve Change Order #1 for Phase 1 of the Sidley Road Sewer Reconstruction project. Mr. Steele stated that this should read Mill Lane sewer project which amounts to \$12,022.16. Ms. McMichael made a motion to approve Change Order #1 for Phase 1 of Mill Lane Sewer Reconstruction project. Mr. Mott seconded and the vote was unanimous.

Motion to enter into a Settlement Agreement with the PA Fish and Boat Commission. Ms. Woodman advised that this was as a result of a leak from a sewer pipe which runs under Route 202. Ms. Woodman mentioned that the PA Fish and Boat Commission have the authority to penalize entities for violations. Therefore, the Township has agreed to pay this penalty of \$800. Mr. Steele gave an overview of the project which corrected the leaking problem. Mr. Mott made a motion to enter into a Settlement Agreement with the PA Fish and Boat Commission. Ms. McMichael seconded and the vote was unanimous.

Motion to enter into a 2<sup>nd</sup> Addendum for Contract for Services with Malvern Borough Ms. Woodman advised that Addendum #1 expires on June 30, 2014 for the contract of Acting Police Chief services. Mr. Mott made a motion to enter into a 2<sup>nd</sup> Addendum for Contract for Services with Malvern Borough. Ms. McMichael seconded and the vote was unanimous.

Motion to authorize the advertisement of a Conditional Use hearing to be held on July 9, 2014 to consider the application filed by The Benson Companies for the Linden Hall property on Route 30. Mr. Holmes made a motion to authorize the advertisement of a Conditional Use

hearing to be held on July 9, 2014 to consider the application filed by The Benson Companies for the Linden Hall property on Route 30. Mr. Mott seconded and the vote was unanimous.

Motion to authorize the advertisement of a public hearing on July 9, 2014 to consider an Ordinance allowing membership in an Intermunicipal Agreement for Workers Compensation Insurance. Ms. Michael made a motion to authorize the advertisement of a public hearing on July 9, 2014 to consider an Ordinance allowing membership in an Intermunicipal Agreement for Workers Compensation Insurance. Mr. Mott seconded and the vote was unanimous.

Motion to authorize the advertisement of a public hearing on July 9<sup>th</sup> to consider an amendment to the Zoning Map shifting the line separating the O/BPS and RMH Overlay districts at the Atwater development on the east side of Rt 29 immediately south of the PA Turnpike Interchange. Mr. Holmes made a motion to authorize the advertisement of a public hearing on July 9<sup>th</sup> to consider an amendment to the Zoning Map shifting the line separating the O/BPS and RMH Overlay districts at the Atwater development on the east side of Rt 29 immediately south of the PA Turnpike Interchange. Mr. Mott seconded and the vote was unanimous.

Motion to authorize the advertisement of a public hearing on July 9<sup>th</sup> to consider a Zoning Ordinance Amendment that would allow LED signage in the ROC/R Zoning District. Mr. Mott made a motion to authorize the advertisement of a public hearing on July 9<sup>th</sup> to consider a Zoning Ordinance Amendment that would allow LED signage in the ROC/R Zoning District. Ms. McMichael seconded and the vote was unanimous.

Motion to hold a special meeting at 7:00 pm on Wednesday, June 18<sup>th</sup> in the Township Building. Mr. Mott made a motion to hold a special meeting at 7:00 pm on Wednesday, June 18<sup>th</sup> in the Township Building for the purpose of interviewing applicants for the position of Supervisor and to consider any and all other business of the Township. Ms. McMichael seconded and the vote was unanimous.

Motion to enter into contract negotiations with AFSCME. Mr. Mott made a motion to authorize the Township Manager to enter into contract negotiations with the AFSCME governing non-uniform employees. Ms. McMichael seconded and the vote was unanimous.

Recess of the Regular Meeting: 8:40 pm.

### PUBLIC HEARING

The Board opened a hearing at 8:55 p.m. to consider the adoption of an amendment to the Zoning Ordinance amending Section 200-19 creating a new RRD – Residential Revitalization and amending Section 200-16 (Zoning Map) overlaying that District across certain parcels in the Township. Complete Notes of Testimony were taken by Nancy Toner.

At the conclusion of the testimony the hearing was closed and the Public Meeting was resumed at 10:05 p.m.

A motion was made by Virginia McMichael, seconded by John Mott to approve the an amendment to the Zoning Ordinance Section 200-19 creating a new RRD – Residential Revitalization District and to amend the Township Zoning Map overlaying that District across certain parcels in the Township as shown on an exhibit offered in the earlier hearing. This motion was approved unanimously.

### ADJOURNMENT

The meeting adjourned at 10:08 pm.

Respectfully submitted,

Maureen G. Perri, Township Secretary

EAST WHITELAND TOWNSHIP  
SPECIAL MEETING  
June 18, 2014

William Holmes, Chair, called the meeting to order at 7:35 p.m. John Mott, Vice Chair, Bill Lincke, Township Solicitor and Terry Woodman, Township Manager were present. There were nine (9) people in the audience at the start of the meeting.

Everyone recited the Pledge of Allegiance.

ORDER OF BUSINESS

Mr. Holmes said the purpose of this evening's meeting was to interview four candidates who had filed applications expressing an interest in serving as a Supervisor. He said only the Supervisors will ask questions of the candidates and the Board will invite the audience to comment at the close of the interviews.

Bill Lincke explained that the Board of Supervisors has thirty (30) days from the date the vacancy was created to fill the vacancy. If they fail to do so, the Vacancy Board has fifteen (15) days to fill the vacancy, and if that doesn't happen, the Chester County Court will have the ability to appoint a new Supervisor. The individual appointed as Supervisor will serve until the first Monday in January 2016 unless elected in the General Election of 2015.

Bill Holmes introduced Vacancy Board member Vicki Damiani and said she will be in the audience tonight listening but not questioning the candidates.

The first interview at 7:40 p.m. was with Bob Logan. He was followed by Maureen Martinez, then Rich Orlow and Bill Wrabley. The interviews concluded at 9:00 p.m.

PUBLIC COMMENT

Bill Holmes called for public comment and no one spoke up. John Mott said he thought all four candidates had great qualifications and the decision would be hard and he wanted to vote this evening.

DECISION

Mr. Mott said he wanted to vote on each candidate and have a roll call vote. With that said, he made a motion to approve Bob Logan as the new supervisor. The Motion was seconded by Bill Holmes, the vote called was Mr. Mott – yes, Mr. Holmes – no.

A motion was made by Mr. Mott to appoint Maureen Martinez as the new supervisor. Seconded by Bill Holmes, the vote was called and Mr. Mott voted – yes and Mr. Holmes voted – no. Mr. Mott made a motion to appoint Rich Orlow as the new supervisor. The motion was seconded by Mr. Holmes, the vote was called and Mr. Mott voted – yes, and Mr. Holmes voted – no. Mr. Mott made a motion to appoint Bill Wrabley as the new supervisor to serve until the first Monday in January 2016 as required by the Pennsylvania Code. The motion was seconded by Mr. Holmes, the vote was called and Mr. Mott voted – yes, and Mr. Holmes voted – yes.

Mr. Mott and Mr. Holmes congratulated Mr. Wrabley on his new position and thanked the other candidates for their interest in serving the Township.

#### ADJOURNMENT

Hearing no new business, the meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Terry H. Woodman, Township Manager

Hearing no new business, the meeting was adjourned at 9:07 p.m.