

EAST WHITELAND TOWNSHIP
REGULAR MEETING
July 9, 2014

William Holmes, Chair, called the meeting to order at 7:00 p.m. John Mott, Vice Chair, William Wrabley, Member, Vicki Kushto, Township Solicitor, Gene Dooley, Police Chief, 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 June 11, 2014. Mr. Holmes seconded the motion and the vote was two in favor and Mr. Wrabley abstained. Mr. Mott made a motion to approve the Minutes of the Special Meeting of June 18 with this correction noted on p.48, first paragraph: ... Mr. Mott voted for the “good of the Township”. Mr. Holmes seconded the motion and the vote was two in favor and Mr. Wrabley abstained.

ANNOUNCEMENTS

Mr. Holmes announced the following:

- The next Chester County Household Hazardous Waste Collection Event will be held on Saturday, September 6th at the New Garden Township Maintenance building in Landenberg, PA. For more information on this event check out www.chestercountyswa.org
- **Roads to be paved this month:**
 - Phoenixville Pike – Beginning 300 feet north of Swedesford Road to the top of the hill by Battle of the Clouds Park.
 - Church Road – From Lancaster Ave. to Swedesford Road.
- The July 17th meeting of the EWT Municipal Authority has been cancelled. The next meeting is scheduled for October 16, 2014.

PUBLIC COMMENT

Glenn Cockerham – Mentioned that a group of veterans have a breakfast every 3rd Tuesday at 7 a.m. at Bistro 24 in Exton. Also, Mr. Cockerham presented Chief Dooley with a book about the Vietnam War.

Martin Costello – 12 Locust Drive – stated that he is Commander of the Delaware County American Legion. During the year they honor veterans who have died. He is co-founder of the “Saving Hallow Ground Project” which honors veterans from Radnor Township who died.

He reiterated his experience from this past winter when he received a non-moving violation for parking on the street during a snow storm. He has appealed this ticket and won in court. A hearing will be held after this regular meeting to discuss an amendment to the Snow Ordinance.

Gail Keyes – 455 Lancaster Avenue – Ms. Keyes mentioned that Mr. Rizzo is constructing a building with doors and windows which is a violation of what she understood to be conditions of this business. She expressed her frustration over this development and how to protect her property. Ms. Woodman will follow up with the building department over this permit.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

Ken Hurley, Chief of the EWT Volunteer Fire Association, advised that for June they responded to 125 calls for 460 man hours.

He also advised that there has been a Ford F-150 observed with a siren and lights flashing in the Township. The driver is not a member of their company or any other fire company locally. The police department is aware of this individual and is working to get additional information.

Public Works Director - Mr. Steele advised that the sewer line on Conestoga Road is not structurally sound. Residents were notified that a surveyor would be working in the area. The line from the sewer collapse to People’s Light on Route 401 will need to be replaced. The pipe size was due to be increased as future capacity develops. However, since the line needs to be replaced, he will increase the pipe size now.

Mr. Steele advised that we are part of a consortium group to purchase road salt for the upcoming winter months. He stated that there is a significant increase in price from last year.

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 June 30, 2014. Mr. Wrabley seconded the motion and the vote was

unanimous. The Treasurer's Report balance totals as of June 30, 2014 are as follows:

General Fund	\$ 5,951,137.23
Street Light Fund	25,361.40
Sewer Fund	3,727,370.70
Sewer Fund Reserve	7,044,906.37
Park Development Fund	324,498.26
Capital Improvement Fund	2,083,766.79
State Fund	262,511.16

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Mott made a motion for approval of General Fund Voucher No. 2014-7G, Sewer Fund Voucher No. 2014-7S, and Payroll Fund Voucher Nos. 2014-13, 2014-14 which included two check runs. Mr. Wrabley seconded the motion and the vote was unanimous.

OLD BUSINESS

Malvern Meetinghouse Restaurant update – Ms. Kushto advised that the property (536 Lancaster Avenue) is scheduled for a hearing on July 10th concerning the ownership of the property.

Property at King/Morstein Road – Ms. Kushto stated that there is a proposed zoning text amendment to the General Regulations of the Parking Ordinance in a residential district. In this draft, there would be a prohibition to storage or parking race cars, parking recreational vehicles, for someone who isn't a resident in a residential area. Mr. Mott had objections to the ordinance as written whereby only "one recreational vehicle or boat may be parked in any Residential District". Mr. Mott agreed to accept the wording of "not more than two" recreational vehicles".

Mr. Steve Rhoads, 1524 Morstein Road – asked about a time table for enactment of this ordinance. He was advised of the advertisement and hearing process relative to these changes. He asked that the amendment changes be diligently enforced by the Township.

Status of historic properties on Rt. 30 and on Church Road – The property on Route 30 known as the "Hibbard House" is totally covered in ivy. Ms. Woodman stated that our township code doesn't prohibit ivy growth over the property. Our Historic ordinance does not contain a provision for something called "Demolition by Neglect" whereby we could cite the property owner.

The Church Road property (on the east side between the Chester Valley Trail and Moores Road) has had the porch fall off the farm house as well as a fire in the barn. The owners have been notified about the violation and have secured it but haven't restored the building. Basically,

the building is a shell and the interior is stripped. Mr. Caban, Chairman Historic Commission, felt that this deterioration would provide justification for demolition. He also felt that provisions need to be made to the ordinance to protect our historic properties. Mr. Cockerham also felt that the ordinance needs to be amended to protect these properties.

Intersection at Collegeview/Morstein Road – McMahon Associates, traffic engineer, was contacted concerning posting speed limit of 25 mph. The road is currently posted with a speed limit of 35 mph. Ms. Woodman stated that two separate speed studies were conducted. She mentioned that PennDOT regulations use the standard of the speed driven by 85% of the vehicles using the road to determine what the posted speed should be. The study indicated that vehicles were travelling at 38 mph going north. The southbound traffic showed a rate of 44 mph. It was suggested that enforcement of the speed limit be conducted. Chief Dooley advised that a recent speed trap yielded 2 tickets out of 400 vehicles on that road.

Status of Policy Development for Runs/Races – A draft policy was distributed to the Board for review. Mr. Holmes provided some background as to the impetus for such a policy. The following amendments to the policy were suggested:

Under Permit Requirements: 2) remove private property at the end of sentence;

Application Processing Time Frame: Mr. Holmes suggests residents be notified of a race.

Mr. Mott made a motion to accept the Special Events Policy and Procedures as amended for adoption. Mr. Wrabley seconded and the vote was unanimous.

Review of Dog Barking Ordinances – Ms. Kushto stated that the current ordinance barking a violation, if persistent, for 15 minutes. The new changes would consider barking a nuisance, if barking incessantly lasts 5 minutes or consistently for one-half hour. Trespassing on a property would not be a violation. Discussion ensued.

NEW BUSINESS

Mr. Holmes provided background for the discussion of the Pennsylvania State Association of Township Supervisors (PSATS) objection Sunoco's request for status as a public utility from the PUC. He stated that providing them a utility status would exempt them from municipal regulations and zoning ordinances. Discussion ensued.

Mr. Mott directed the Township Manager to notify the Legislature of the Township's objection to Sunoco's request to obtain public utility status as suggested by PSATS.

Discussion of emergency contact phone number to be used during snow storms as requested by the Homeowner's Association in Wyckfield. Ms. Woodman and Mr. Steele decided to advertise the police non-emergency phone number (610-647-1440). Any other phone number is not manned on nights or weekends within the township building. A police officer has

radio communication with the plow drivers and could advise the homeowner when plowing would be done.

Motion to enter into a three year contract for traffic signal maintenance. Mr. Mott made a motion to enter into a three year maintenance contract with Charles Higgins & Sons per their proposal dated, June 24, 2014. A copy of which is attached. Mr. Wrabley seconded the motion and the vote was unanimous.

Mr. Holmes made motion to authorize the advertisement of a public hearing to be held on Wednesday, August 13, 2014 to consider the transfer of a restaurant liquor license from outside the Township into East Whiteland. This transfer is for Cobb Theaters at Uptown Worthington. Mr. Mott seconded and the vote was unanimous.

Mr. Mott made a motion to authorize the advertisement of a public hearing to be held on Wednesday, August 13, 2014 to consider the adoption of Zoning Ordinance amendments impacting the definitions of passive and active recreation and adding passive recreation as a permitted use in all residential districts. Mr. Wrabley seconded and the vote was unanimous.

Mr. Wrabley made a motion to authorize the advertisement of a public hearing to be held on August 13, 2014 to the adoption of an amendment to the Zoning Ordinance limiting parking in Residential Districts. Mr. Mott seconded and the vote was unanimous.

Mr. Mott made a motion to authorize the advertisement the Township's intent to receive bids for structural upgrades to the Gunkle Mill. Mr. Wrabley seconded and the vote was unanimous.

Ms. Woodman provided the background on the agreement with the PA Task Force One. Mr. Mott made a motion to enter into a Memorandum of Agreement with the City of Philadelphia as the sponsoring Agency of Pennsylvania Task Force One of the National Urban Search and Rescue Response System. Mr. Wrabley seconded and the vote was unanimous.

Ms. Woodman advised that there are two vacancies on the Police Pension Trust. One vacancy exists as a result of a death and the other a resignation due to personal reasons. The Township is seeking residents with a strong financial background to serve as a Trustee on the Police Pension Trust.

Mr. Holmes made a motion to adopt a Resolution authorizing the Township Manager to sign a Master Casting Agreement for the adjustment of sanitary sewer manholes within State road rights of way. Mr. Mott seconded and the vote was unanimous.

Mr. Mott made a motion to authorize the advertisement of a public hearing to be held on Wednesday, August 13, 2014 to consider the adoption of an amendment to the Dog Noise Control Ordinance. Mr. Wrabley seconded and the vote was unanimous.

Recess of the Regular Meeting: 8:40 pm.

PUBLIC HEARING

Notes of Testimony were taken by Elaine Parish.

Chester Valley Golf Club the hearing started at 8:45 pm and closed at 9pm. The Public Meeting was reopened and John Mott made a motion to approve the Conditional Use Application as presented without conditions. The motion was seconded by Bill Wrabley and approved unanimously.

Amendment to Chapter 189 Article V “Snow and Ice Emergencies” – The hearing started at 9:05pm and closed at 9:43pm. The Public Meeting was reopened and Bill Holmes made a motion to adopt the amendment and this Motion was seconded by Bill Wrabley. The motion carried with Mr. Mott voting against the adoption.

Benson’s Conditional Use Application – the hearing started at 9:46pm and closed at 11:07pm. The Public meeting was reopened and a motion was made by Bill Holmes, and seconded by Jim Mott to approve the Conditional Use with the following conditions:

1. A buffer will be installed and maintained on the east side of the property to buffer the townhomes from the existing buildings on Church Road.
2. The Applicant will enter into an easement agreement with the property owners on Church Road to allow the property owners to continue to access the back of their properties.
3. The Applicant will create a Homeowners Association and said Association will be responsible for maintaining the stormwater facilities that are constructed on the property in accordance with the approved final land development plans.
4. All structures must be set back a minimum of fifty (50) feet from the existing Linden Hall.

The Motion carried unanimously.

Atwater – amendment to Zoning Map shifting line between O/BPS and RMH. The hearing was opened at 11:10 pm and closed at 11:34. The Public Meeting was reconvened; a motion was made by John Mott, seconded by Bill Wrabley and approved unanimously.

O’Neill Zoning Ordinance amendment for LED signs. The hearing was opened at 11:37 and immediately John Mott made a motion duly seconded and approved unanimously to continue the hearing to the Board’s meeting on August 13. And the hearing was closed for the evening.

Ordinance to authorize the issuance of Tax Exempt General Obligation Bonds. The hearing was opened at 11:41 and closed at 11:58. The regular meeting was resumed and a motion was made by John Mott to authorize the issuance, seconded by Bill Holmes and approved unanimously.

Intermunicipal Agreement for Workers Compensation Insurance - The hearing opened at midnight and was closed at 12:05 am. The regular meeting was reopened and a motion was

made by John Mott, seconded by Bill Wrabley and approved unanimously adopting the Ordinance.

ADJOURNMENT

Hearing no new business the meeting was adjourned at 12:08am

Respectfully submitted,

Maureen G. Perri, Township Secretary