

EAST WHITELAND TOWNSHIP  
REGULAR MEETING  
August 13, 2014

William Holmes, Chair, called the meeting to order at 7:00 p.m. John Mott, Vice Chair, William Wrabley, Member, Bereth Graeff, Township Solicitor, Terry Woodman, Township Manager, 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. Holmes requested that when a Conditional Use hearing has been held and a decision is made that the conditions of approval be included in the minutes. Mr. Mott made a motion to approve the Minutes of the Regular Meeting of July 9, 2014 with the addition that the details of the approval of the Benson Companies Linden Hall Conditional Use application be included in the minutes. Mr. Holmes seconded the motion and the vote was unanimously approved.

ANNOUNCEMENTS

Mr. Holmes announced the following:

- The Pennsylvania Historical and Museum Commission and the East Whiteland Township Historical Commission are inviting all to the dedication of an official State Historical Marker Commemorating “The Battle of The Clouds” on Saturday, 9/13 at 1pm at 606 Swedesford Rd (The sign of the Whitehorse Tavern).
- The next Chester County Household Hazardous Waste and E-Waste Collection Event will be held on Saturday, October 11 at the Government Services Center, 601 Westtown Road, West Chester from 9am to 3pm. For more information on this event check out [www.chestercountyswa.org](http://www.chestercountyswa.org)
- **Roads to be paved this month:**  
Old Lancaster Road from Lantern Lane to Old Lincoln Pike.

PUBLIC COMMENT

Sharon Conner – 95 Village Way – asked for a status update on the Bishop Tube development. Mr. Brian O’Neill, owner, stated that demolition of the building will be done, remediation is

ongoing and 100% of the hot spots have been identified, no access from this development will be opened into General Warren Village.

Amanda Snyder – 14 Kevin Way – Park & Recreation Board member – stated at their meeting they discussed the possibility of a handicapped accessible playground for the Swanenburg property as well as basketball courts. Ms. Woodman suggested that before any development is considered to this property that a re-evaluation be done to determine the best use. Mr. Steele agreed since the last design was prepared over 14 years ago and was heavily proposed for baseball fields.

#### Patriots Path Discussion with Malvern Borough representatives

Woody Van Sciver, Malvern Borough Council and Dave Burton, Mayor were present to discuss the Patriots Path of which a portion is in East Whiteland Township. The Patriot Path is a joint effort of three municipalities which would connect Valley Forge Historic Park to the Battlefield in Malvern Borough. He discussed the possible use of the existing sidewalk under the bridge that carries the Norfolk Southern railroad across Route 30. Currently, there exists a sidewalk directly under the overpass, but none leading up to it. He said that while the sidewalk is narrow, PennDOT would be willing to consider this access as a non-standard path. Mr. Van Sciver would like to connect a walkway on the north side of Route 30 with the sidewalk recently installed for the CubeSmart building at Old Lincoln Highway to connect into the Borough. David Peterson, resident from Weybridge Drive, expressed a desire to have sidewalks down to Wegman's and south into Malvern Borough. Mr. Van Sciver mentioned that State grants have been obtained for sidewalk installation.

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

Gary Sheridan, Fire Chief of the EWT Volunteer Fire Association, advised that for July they responded to 109 calls for 301 man hours, 59 fire and 69 medical incidents. He also stated that they hope to be in the new firehouse by 2015.

Public Works Director - Mr. Steele advised that the Sidley Road sewer project is complete and Conestoga Road sewer replacement is in the design phase.

Ms. Woodman mentioned that the Summer Camp had 130 children and we have received very positive feedback from the residents.

Ms. Woodman and Ms. Palmer spoke with Moody's concerning the recent bond issue for the Public Works facility. The Township has been able to maintain their Aa2 rating. She advised the Board that the bonds sold quickly when they were issued.

Ms. Woodman advised that Richard Deuble, Building Official, worked in the Codes Department for over 14 years submitted his resignation for retirement. Everyone wished him

well and many employees attended a luncheon held to recognize his years of service to the community.

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

General Fund	\$ 5,303,828.67
Street Light Fund	25,361.81
Sewer Fund	3,852,327.40
Sewer Fund Reserve	7,029,819.85
Park Development Fund	324,505.45
Capital Improvement Fund	2,030,268.55
State Fund	262,522.31

#### APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Wrabley made a motion to approve General Fund Voucher No. 2014-8G, Sewer Fund Voucher No. 2014-8S, and Payroll Fund Voucher Nos. 2014-15, 2014-16, which included two check runs. Mr. Mott seconded the motion and the vote was unanimous.

#### PLANS

Mr. Colagreco represented the developer RLD Atwater JV LLC, for a Minor Subdivision for the subdivision of lot A at Atwater into lot 1, - 136.23 acres and lot 2, - 13.17 acres. The purpose of the subdivision is to permit the building of apartments on lot 2 location. The property is situated on the east side of Morehall Road south of the Atwater quarry lake in the RMH Overlay Zoning District. Mr. Mott made a motion to approve the Minor Subdivision Plan for RLD Atwater JV LLC, the subdivision of lot A at Atwater into lot 1, - 136.23 acres in size and lot 2, - 13.17 acres and their request for six waivers per Arro's letter, dated July 22, 2014. The motion was seconded by Mr. Wrabley and the vote was unanimous.

#### OLD BUSINESS

Malvern Meetinghouse Restaurant update – Ms. Graeff advised that the property (536 Lancaster Avenue) was scheduled for a hearing on July 10<sup>th</sup>. The owner and the bank could not come to an agreement. In addition, the owner's counsel asked the judge to recuse himself due to a prior incident. Therefore, we are awaiting a new docket hearing date.

Property at King/Morstein Road – Ms. Graeff stated that someone from her office has met with residents and an ordinance is on the agenda tonight to assist in providing relief in this area.

Steve Rhoads, 1524 Morstein Road – Stated that he has heard that the Planning Commission members did not approve of the proposed Parking Ordinance which is being presented tonight. Ms. Graeff advised that the Planning Commission is only an advisory group and that the Board is not bound by their decisions.

Status of historic properties on Church Road – The Church Road property (on the east side between the Chester Valley Trail and Moores Road). The owners have received a Notice of Violation and they have secured the building. Mr. Holmes recommended that the Historic Preservation Ordinance be reviewed to prevent further deterioration of these properties.

### NEW BUSINESS

Mr. Tyler Boclaire stated that he is prepared to provide the following in order to obtain his Eagle Scout badge at the Covenant Presbyterian Church on Route 30: 1) relocate and restructure the fire circle; 2) install benches; 3) construct wood storage structure; 4) repair and stain the wooden fence; and 5) provide a general cleanup of the area. Mr. Mott made a motion to grant a waiver from Section 90-4 “Outdoor and open burning”, to the Boy Scout Troop that meet behind Covenant Presbyterian Church. Mr. Wrabley seconded and the vote was unanimous.

Mr. Wrabley made a motion to authorize the advertisement the Township’s intent to receive bids for diesel fuel and heating oil. Mr. Mott seconded and the vote was unanimous.

Mr. Mott made a motion to authorize the advertisement of the Township’s intent to sell surplus Vehicles and Equipment via the Municibid website. (<http://www.municibid.com>). Mr. Wrabley seconded and the vote was unanimous. The list of vehicles and equipment is attached.

Mr. Holmes made a motion to authorize the advertisement of a public hearing to adopt an Ordinance amendment prohibiting trucks over five tons (10,000 lbs.) from driving on Flat Road. Mr. Mott seconded and the vote was unanimous.

Mr. Holmes made a motion to authorize the advertisement of a public hearing to consider the adoption of an Ordinance amendment restricting the use of break retarders on Lancaster Avenue between the Willistown Boundary and Old Lincoln Highway and on Sidley Rd. between Phoenixville Pike and Flat Road. Mr. Mott seconded and the vote was unanimous

Public Works Complex contractors: Mr. McLaughlin, Reynolds, stated that they have identified the lowest bidders and suggested awarding bids as follows:

Contract #2 – Sitework Construction – Out of Site Infrastructure Inc. - \$1,338,400;

Contract #3 – Plumbing Construction – Chris Wolff Plumbing - \$218,000;

Contract #4 - HVAC – Construction – Air Control Technology, Inc. - \$187,000;

Contract #5 – Electrical Construction – Pinnacle Electrical Construction - \$563,197.

Total cost of the above contracts is \$2,306,197. The General Trades Contractor bid is still pending. Discussion ensued.

Mr. Mott made a motion to award contracts for the trades for the Public Works facility per Reynolds letter dated, August 1, 2014, as follows:

Contract #2 – Sitework Construction – Out of Site Infrastructure Inc. - \$1,338,400;

Contract #3 – Plumbing Construction – Chris Wolff Plumbing - \$218,000;

Contract #4 - HVAC – Construction – Air Control Technology, Inc. - \$187,000;

Contract #5 – Electrical Construction – Pinnacle Electrical Construction - \$563,197.

Mr. Wrabley seconded and the vote was unanimous.

Mr. Holmes advised that the bid process will be continued until the next Board of Supervisors meeting which will be held on September 10<sup>th</sup> for the awarding of the General Contractor for the Public Works facility.

Mr. Wrabley made a motion to approve a job description for an Inspector/Assistant Enforcement Officer. Discussion ensued. Mr. Mott seconded and the vote was unanimous.

Ms. Woodman stated that PADEP advised us that a sewage pipe was leaking into the creek around Mill Lane Bridge. Mr. Steele mentioned that when the sewer line was constructed under Router 202, a 36” concrete pipe with a sleeve of 12” was installed for our sewage main along with an 8” stub for drain water. This piping lasted about 60 years. When PADEP tested the water in 2012, it was determined that sewage was infiltrating the waterway. A plug was installed to prevent any further leakage. Ms. Woodman and Mr. Steele met with PADEP and they were considering fining the Township. The Township has spent over \$1.6 million on sewer improvements to date. Discussion ensued.

Mr. Holmes made a motion that the staff work with the Township Solicitor to contest the PADEP Civil Penalties which amounts to \$25,976. Mr. Mott seconded and the vote was unanimous.

Mr. Holmes advised that a supporter for “Touch a Truck” asked that the Township participate as a sponsor which would provide them with coverage under our umbrella liability insurance. The event will be held in the corporate center. Mr. Holmes made a motion that the Township participate as a sponsor for the Sunday, September 28<sup>th</sup> “Touch a Truck” event and would allow them to be covered under our umbrella liability insurance. Mr. Mott seconded and the vote was unanimous.

Mr. Steele provided the background for the change order requests. Discussion ensued. Mr. Mott made a motion to approve Change Orders 1 and 2 to the Sidley Road Sanitary Sewer Replacement Project – Phase 2. Change Order 1 is in the amount of \$112,599 and Change Order 2 is in the amount of \$52,215. Original Contract Sum was \$857,230. Mr. Wrabley seconded and the vote was unanimous.

The Regular Meeting was continued at 8:40 pm.

## PUBLIC HEARING

Notes of Testimony were taken by Elaine Parrish.

The Public Hearings started following a ten minute break after the general meeting was suspended.

- Hearing on the ZO amendments impacting the definition of passive and active recreation and adding passive recreation as a permitted use... was closed at 10:03 p.m. and the regular meeting was resumed. A motion was made by Bill Holmes, seconded by Bill Wrabley to adopt Ordinance # 253-2014. The motion carried with Messrs Holmes and Wrabley voting in the affirmative and Mr. Mott voting in opposition.
- The next public hearing was the one to consider the transfer of a restaurant liquor license from outside of the Township for a Cobb theater at Uptown Worthington. The hearing was opened at 10:15 p.m. and closed at 10:22. A motion was made by John Mott, seconded by Bill Wrabley and approved unanimously to adopt Resolution #16-2014 authorizing the transfer of a liquor license into the Township.
- The 3<sup>rd</sup> public hearing was to consider the adoption of an amendment to the ZO limiting recreational vehicle parking in Residential Zoning Districts was opened at 10:25pm and closed at 10:40pm. No action was taken by the Board on the draft Ordinance with Board members saying they wanted to review the standards further.
- The 4<sup>th</sup> public hearing of the evening was opened at 10:42 p.m. to consider the adoption of an Ordinance restricting noise from dogs. After testimony, at 11:26pm the hearing was continued until September 10<sup>th</sup>.

## ADJOURNMENT

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

Respectfully submitted,

Maureen G. Perri, Township Secretary