

EAST WHITELAND TOWNSHIP  
REGULAR MEETING  
September 10, 2014

William Holmes, Chair, called the meeting to order at 7:05 p.m. John Mott, Vice Chair, William Wrabley, Member, Bereth Graeff, Township Solicitor, Terry Woodman, Township Manager, Gene Dooley, Police Chief, Cathy Palmer, Finance Director and Maureen Perri, Township Secretary were present. There were thirty-five (25) 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 August 13, 2014. Mr. Wrabley seconded the motion and the vote was approved unanimously.

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)
- The Conditional Use hearing advertised for this evening has been postponed to the October Board of Supervisors meeting.

PUBLIC COMMENT

Lisa Babbitt – 36 Birch Road – along with some neighbors was present concerning a rat infestation at 34 Birch Road. Ms. Graeff, Township Solicitor, asked Kathryn Karras, owner, to be present tonight to address these conditions. Ms. Graeff stated that at a recent hearing in front of the District Justice Ms. Karras was fined \$100 per day for each day the violations continue. The solicitor outlined steps which could be taken: 1) we can continue to cite Ms. Karras; or 2) file an Injunction. This would allow for the Township to remediate the property and, thereafter,

lien the property for expenses incurred. Ms. Graeff suggested that an Injunction is the best option for immediate relief.

Mr. Holmes made a motion to authorize the Township Solicitor to proceed with action by filing an Injunction at the Court of Common Pleas to remediate the infestation at 34 Birch Road and that the administrative staff is allowed to follow through with any assistance to bring about the remediation. Mr. Wrabley seconded and the vote was unanimous.

Ms. Karras – 34 Birch Road – explained the circumstances as to why her house was vacated. She feels that she has a right to appeal the District Justice’s penalties. She also explained her opposition to using poison within her home. Discussion ensued.

Alice Presley – 14 Ridge Road – expressed her concern about the increase in sewer rates which was enacted in February, 2014.

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

Gary Sheridan, Fire Chief of the EWT Volunteer Fire Association, advised that for August they responded to 103 calls, 42 fire and 61 medical incidents.

Virginia Pohlman – Chairman, Environmental Advisory Council – reported that the EAC will be working with the PA Department of Environment Protection to organize a public presentation of the ongoing remediation of the Bishop Tube site on South Malin Road.

Terry Woodman advised the Board of the need for updating the Comprehensive Plan. The 2014 budget has \$50,000 designated for this project. As of this date, an application for grant funds from the County’ Vision Partnership Program to assist with the expense of this undertaking was filed. The first step is for the Board to create a Comprehensive Plan Task Force to work with a consultant to be chosen by the Township to guide the process in updating this plan.

#### ACCEPTANCE OF THE TREASURER’S REPORT

Ms. Woodman summarized the Treasurer’s Report. Mr. Wrabley made a motion to accept the Treasurer’s Report dated August 31, 2014. Mr. Mott seconded the motion and the vote was unanimous. The Treasurer’s Report balance totals as of August 31, 2014 are as follows:

General Fund	\$ 6,070,863.17
Street Light Fund	24,172.09
Sewer Fund	3,053,615.19
Sewer Fund Reserve	6,859,381.29
Park Development Fund	324,509.30
Capital Improvement Fund	2,202,720.77

State Fund

57,801.16

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Mott made a motion to approve General Fund Voucher No. 2014-9G, Sewer Fund Voucher No. 2014-9S, and Payroll Fund Voucher Nos. 2014-18, 2014-19, which included two check runs. Mr. Wrabley seconded the motion and the vote was unanimous.

PLANS

Mark Thompson, Esquire representing the Lincoln Court Shopping Center advised that these plans are for a 16,000 sq. ft. expansion of an existing shopping center. Mr. Leapson, applicant's engineer, explained that this was a reverse subdivision incorporating approximately 2 acres into the larger shopping center and a land development plan to add eight new stores to the existing shopping center located on the north side of Route 30 west of Malin Road. There will be a widening of southbound Malin Road with a right turn lane onto Route 30 pending PennDOT approval. The existing three driveways at this site of the former restaurant (two on Malin and one on Rt. 30) will be closed. A sidewalk will be added along the length of the Route 30 frontage. Stormwater will be collected and then be released at a control rate. Still pending as of this meeting is the PennDOT approval and approval of the PADEP sanitary sewer planning module.

Mr. Mott made a motion to approve the Preliminary Land Development Plan submitted by Lincoln Court Shopping Center for a 16,000 sq. ft. expansion of an existing shopping center and reverse subdivision of a 1.6 acre parcel into the larger parcel subject to conditions in Arro's letter of June 5, 2014 and pending approvals by PennDOT and PADEP and granting the waivers requested from the Conservation Plan per Section 175-21.c.(14) and Section 175-21.c.(10), existing information within 300 feet of subject tract. Both sections are in the Subdivision and Land Development Ordinance. Mr. Wrabley seconded and the vote was unanimous. The property is on the north side of Lancaster Avenue west of Malin Road in a FC – Frontage Commercial Zoning District

George Broseman, Esquire presented the Preliminary Land Development and Subdivision plan submitted by Benson Companies for the restoration of Linden Hall and for the development of 60 townhouses in a VMX-Village Mixed Use zoning district at Routes 30 and 352. The Board approved the Conditional Use application on July 9, 2014. The Planning Commission recommended the approval subject to approval by PADEP to allow a footbridge to cross Valley Creek within the development, construction of a sidewalk along Rt. 30 and construction of a walking trail on the west side of the stream that will be connected to the new development by a bridge over the stream/wetland area. The plan now shows a post and rail fence along the western property line and along the property line shared with the Chester Valley Golf Club.

Adam Brower outlined the waivers as follows: 1) Section 175-23C - Environmental Impact Assessment; 2) Section 175-24 B & E – water supply study; 3) Section 175-37 N(8) – erosion control devices in emergency spillway. The Conditional Use requirements for this plan are:

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.

Mr. Mott made a motion to grant Preliminary Land Development and Subdivision approval submitted by the Benson Companies, LLC for the renovation of and addition to Linden Hall and the development of 60 townhouses on two parcels on the north side of Rt. 30 opposite the intersection of Rt. 352 in a VMX – Village Mixed Use Zoning District subject to Arro's letter dated August 21, 2014. The Township will accept the landscaping plan and grant waivers as follows: 1) Section 175-23C - Environmental Impact Assessment; 2) Section 175-24 B & E – water supply study; 3) Section 175-37 N(8) – erosion control devices in emergency spillway. Mr. Wrabley seconded and the vote was unanimous.

Final Land Development Plan submitted by Mark Farley Subdivision for 14 single family homes in an R-2 Residential District located on Sproul Road (Rt. 352). Heather Gill, P.E. stated that this will be a reverse subdivision combining existing lots and a resubdivision creating 14 lots on ten acres. Currently, there is an existing house with a garage which will remain. The original preliminary plan was approved in 2008, no new design changes have occurred, their sanitary sewer planning module has previously been approved. At this time, they are awaiting PennDOT approval for the Highway Occupancy permit. The applicant is seeking Final Land Development approval tonight. The applicant will be submitting a fee of \$21,000 in lieu of dedicated open space. They are also requesting the following waivers: 1) Section 175-33 E – requiring streets be offset 300 feet; 2) Section 175-21(10) locating all existing features within 300 feet of the property; 3) Section 175-24D water supply.

Mr. Mott made a motion to approve the Final Land Development and Subdivision Plans submitted by Mark Farley for 14 single family homes in an R-2 Residential Zoning District located on Sproul Road subject to Arro's letter, dated September 4, 2014, as well as a fee in the amount of \$21,000 in lieu of open space. Also, to approve the waivers outlined in Surrender Kohli's letter, dated February 11, 2008, which are Section 175-33 E – requiring streets be offset 300 feet; 2) Section 175-21(10) locating all existing features within 300 feet of the property; 3) Section 175-24D water supply. Mr. Wrabley seconded and the vote was unanimous.

### OLD BUSINESS

Malvern Meetinghouse Restaurant update – Ms. Graeff advised that the property (536 Lancaster Avenue) is on the docket for a hearing.

Status of historic properties on Church Road – The Church Road property is on the east side between the Chester Valley Trail and Moores Road. The owner is pursuing an agreement of sale for the property.

Status of historic property on Route 30 – There is no update at this time. This structure is located next to Clews and Strawbridge.

Discussion of changes to the draft Recreational Vehicle Parking Ordinance amendment – Ms. Graeff stated that changes have been made under paragraph J to read as follows: “temporary parking of these types of vehicles shall be allowed provided the vehicles are engaged in the delivery of goods and services, the parking occurs overnight or over a weekend and the vehicle is driven by an occupant of the residential structure”. Discussion ensued.

Mr. Holmes made a motion to re-advertise a public hearing amending the Zoning Ordinance Section 200-14 to Limit Parking in a Residential Zones to be held on November 12, 2014. Mr. Wrabley seconded and the vote was unanimous.

Discussion of proposed PADEP Consent Assessment of Civil Penalty – Ms. Woodman advised that the Solicitor prepared a letter to PADEP requesting that fines and penalties in the amount to \$25,976 be removed.

### NEW BUSINESS

Discussion of recently implemented sewer fund increase. Mr. Holmes stated that a \$10 increase per quarter was implemented in February which resulted in additional billing to 300 residents who pre-paid their 2014 bill in December. The Board was advised that one-third of those who received a bill for an additional \$30 for the year had sent a check in within the first 10 days following the mailing. There are, however, six residents who have contacted the Township and have said they refuse to pay the increase. Discussion ensued.

After much discussion, the Board agreed to have the obligation to pay the \$30 remain for those who paid for the year at the beginning of 2014.

Motion to award a contract of diesel fuel and heating oil – Ms. Woodman mentioned that bids were submitted from Reilly & Son and Superior Plus Energy. The Township awards the bid for diesel fuel and heating oil to the lowest bidder based on a Rack Price of August 13, 2014.

Mr. Mott made a motion to award a contract for diesel fuel and heating oil to Superior Plus Energy Services. A copy of the bid results of September 3, 2014 is attached hereto. Mr. Wrabley seconded and the vote was unanimous.

Motion to award bids for the new Public Works complex of a General Trades Contractor. Bill McLaughlin, Reynolds Construction, stated that the two irregularities to the bids received have been reviewed and per the direction of the Township Solicitor were corrected so that an award can be granted. The low bidder was Perrotto Builders for the base bid and Alternate #1 for the metal roof totaling \$4,582,000. A pre-construction was held this day. Upon execution of the contract, Perrotto can proceed immediately.

Mr. Wrabley made a motion to award the contract of the base bid and alternate #1 for the new Public Works complex of a General Trades Contractor to Perrotto Builders. Mr. Mott seconded and the vote was unanimous.

Motion to award a contract for structural upgrades to the Gunkle Mill – Jeff Dore advised the Board of the condition of the Mill. The Mill has been closed for public access due to structural deficiencies of the main floor. A cost estimate was prepared and it was determined that repairs would cost about \$20,000. Two bids were received – one from Sweeney - \$17,000 and one from Paoletta - \$43,000. Of the two bids, Sweeney submitted a bid close to the estimated cost and are experienced working to repair of historic structures. Mr. Dore is recommending approval of a contract with Sweeney and that an additional \$2,000 be reserved for engineering inspections as well as another \$2,000 be set aside for discovery.

Mr. Mott made a motion to authorize the awarding of a contract to Sweeney for repairs of structural upgrades to the Gunkle Mill in the amount of \$17,000. Mr. Wrabley seconded and the vote was unanimous.

Mr. Mott made a motion to authorize the payment of the engineer fees for oversight of the construction project up to \$2,000. Mr. Wrabley seconded and the vote was unanimous.

Mr. Mott made a motion to allow the Historical Commission to approve change orders not to exceed \$2,000 for discovery. Mr. Wrabley seconded and the vote was unanimous.

Discussion of the 2015 Minimum Municipal Obligation for the Township's employee pension funds. Ms. Woodman advised that Public Employee Retirement Commission gave the Township's pension funds a distress score of 1 which is the lowest possible score. Also, the Board was given the 2015 Minimum Municipal Obligation worksheets to review for budgeting.

Mr. Mott made a motion to adopt Resolution No. 18-2014 authorizing the Township Manager to submit applications for Traffic Signal Approvals to the PA Department of Transportation for the intersections of Malin Rd and Route 30 and Routes 30 and 352. Mr. Wrabley seconded and the vote was unanimous.

Mr. Holmes made a motion for authorization to advertise the receipt of bids for the construction of a sanitary sewer project in the Route 401 corridor. Mr. Mott seconded and the vote was unanimous.

Motion to adopt Resolution No. 17-2014 to accompany the submission of a Sewage Facilities Planning Module for Swedesford Partners and their proposed development on west Swedesford Road. The developer is proposing to provide a holding tank system until such time that the Township extends its sewer line.

Mr. Mott made a motion to adopt Resolution No. 17-2014 to accompany the submission of a Sewage Facilities Planning Module for Swedesford Partners and their proposed development on west Swedesford Road. Mr. Wrabley seconded and the vote was unanimous.

Mr. Mott made a motion to authorize the Township Manager to advertise a Conditional Use Hearing for connecting a path through steep slopes on the Deer Run property to the Chester Valley Trail to be held on October 8, 2014. Mr. Wrabley seconded and the vote was unanimous.

Mr. Holmes made a motion to authorize the Township Manager to submit a request for a Vision Partnership grant to Chester County Planning Commission in the amount of \$50,000 representing 66.6% of the cost associated to update the Township's Comprehensive Plan. Mr. Wrabley seconded and the vote was unanimous.

The regular meeting was recessed 9:20 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.

- A public hearing was opened at 9:30 p.m. to consider the adoption of an Ordinance restricting noise from dogs. After testimony, at 10:35pm the hearing was continued with direction given to the Solicitor to create a new draft differentiating barking emanating from commercial establishments and from private homes.
- A public hearing was opened at 10:38 to consider an Ordinance prohibiting trucks over five tons (10,000 lbs) from driving on Flat road. After discussion and testimony, the hearing was closed at 10:50 p.m. and a Motion was made by John Mott, seconded by Bill Wrabley and approved unanimously to adopt the Ordinance as drafted.
- A public hearing advertised to consider restricting the use of break retarders on Lancaster Avenue between the Willistown boundary and Old Lincoln Highway and on Sidley Road between Phoenixville Pike and Flat Road was continued pending receipt of a letter from PaDOT allowing the adoption of the prohibition.

ADJOURNMENT

Hearing no new business the meeting was adjourned at 11:00 pm

Respectfully submitted,

Maureen G. Perri, Township Secretary