

EAST WHITELAND TOWNSHIP
REGULAR MEETING
August 12, 2015

William Holmes, Chair, called the meeting to order at 7:00 p.m. John Mott, Vice Chair, William Wrabley, William Lincke, Esquire, Township Solicitor, John Nagel, Township Manager, Gene Dooley, Police Chief, Bill Steele, Public Works Director, were 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 July 8, 2015 meeting. Mr. Wrabley seconded and the vote was unanimous.

ANNOUNCEMENTS

- The Chester County Household Hazardous Waste Collection Event of 2015 will be held on Saturday September 12th, Oxford School Dist. Admin Bldg., 125 Bell Tower Lane, Oxford, PA between 9am and 3pm at the. **NO Electronics will be accepted at this collection event.** For more information on “acceptable” waste check out www.chestercountyswa.org
- Conestoga Road will continue to be closed between 9 am to 3 pm from Deer Run Lane to westbound Swedesford Road as Phase 3 of the sewer project continues. Lane closures will continue for approximately four weeks.
- Swedesford Partners has requested a continuance of their hearing to consider their proposal for a Zoning Ordinance Text and Map amendment to September 9, 2015 Board of Supervisors

PUBLIC COMMENT

Ms. Keyes reiterated her problem with a dog business in the property next to her. She expressed her frustration with what she feels is a lack of enforcement of regulations imposed on this property. Mr. Mott made a proposal that the Township Solicitor and Manager meet to discuss the issues with this situation.

Ms. Debbie Kay, Glenloch Way, expressed her concerns with speeding traffic on King Road from Route 352 to West Whiteland boundary line. She feels that some method of speed control needs to be installed. Mr. Holmes is directing the township traffic officer to conduct a study of the area. Mr. Wrabley also expressed his concerns and felt that all of King Road be studied.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND
TOWNSHIP OFFICIALS

Ken Hurley, Fire Chief, provided the statistics for the month of July: 118 responses with 47 fire and 71 medical. Also, during that month there were 10 overlapping incidents.

Brough Richey, Environmental Advisory Council, spoke concerning the Bishop Tube site on south Malin Road. The Council is concerned with the proposal to develop the site for housing. The Council feels that there is a possibility of spreading the contamination further and may hinder the actual site cleanup. They have contacted the CDC for an updated risk assessment with help from the Department of Environmental Protection.

Gail Keyes, Park & Recreation Board, spoke to the success of the summer concerts held at Valley Creek Park. She also asked that the Board acknowledge Robert Ricciardi's service on the Board. She stated that the Board is looking into coordinating with the fire company to possibly celebrate the township's anniversary.

Ken Battin, Fire Marshal, advised that October 17th from 1:00-4:00 pm is the Fire Company will have their grand opening of their housing. The County Fire Marshal's office has been conducting planning meeting for the coming of the Pope to Philadelphia. He suggested that resident listen to the news concerning traffic since the last stop of the trains will be in Paoli.

Mr. Steele, Public Works, feels that by mid-September the construction should be completed. They are working with PECO to get the natural gas line for this building as well as the fire company installed.

The road paving will begin for the Conestoga Road Sewer Project and hopefully will be completed in two weeks.

Mr. Steele stated that the restoration at Valley Creek Park House is also completed.

ACCEPTANCE OF THE TREASURERS REPORT

Mr. Wrabley made a motion to accept the Treasurer's report of June 30, 2015. Mr. Mott seconded and the vote was unanimous.

RATIFICATION OF BILLS

Mr. Mott made a motion to ratify the payment of bills and payroll of August 12, 2015. Mr. Wrabley seconded and the vote was unanimous.

PLANS

Haly Subdivision Final Land Development for three lots at 280 Lapp Road in an R-1 Residential Zoning District. Mr. Robinson stated that there is an existing house and two vacant lots. Their proposal is to build single family homes on 5.736 acres. This plan was before the Board for Conditional Use hearing on February 11, 2015 to enable them to run utility pipes

through steep slopes. The condition imposed by the Board asked that the applicant provide sufficiently flexible sewer pipe to handle ground shifting. Ms. Felch, 301 Lapp Road asked whether there will be blasting during construction. Discussion ensued.

Mr. Mott made a motion to approve the Haly Subdivision Final Land Development plan for a 3 lot subdivision at 280 Lapp Road in an R-1 Residential Zoning District subject the Township Engineer's letter, dated August 7, 2015 as well as the waivers requested in said letter.

Villa Maria Academy Preliminary/Final Land Development Plan for parking lot improvements at 1140 King Road in an INS-Institutional Zoning District. Caitlin Micali, Esquire stated that the plan had been presented to the Board at July 8, 2015 for a Conditional Use Hearing relative to steep slope disturbance. The school is proposing to build a parking lot that is more centrally located for better access to school buildings, so hopefully, people will no longer park along internal access. Several of the waiver requests related to lot line boundaries.

Mr. Wrabley made a motion to approve the Villa Maria Academy Preliminary/Final Land Development Plan for parking lot improvements at 1140 King Road in an INS-Institutional Zoning District subject to Arro's letter, dated August 11, 2015 and waivers: Section 175-21C(7), 175-22C(7), 175-22C(11), 175-22C(15) as well as Section 402B(7) which are related to lot line boundaries. Mr. Mott seconded and the vote was unanimous.

RLD/Atwater Commercial Final Subdivision and Land Development Plan for development of hotel, gas station, retail/restaurants at Atwater Drive & Route 29 in the Turnpike Interchange Overlay Zoning District. Mr. Colagreco advised the Board that this is the final part of the Master Plan. This proposed development received a recommendation from the Planning Commission at their July meeting. He mentioned that the only change has been the reduction of the gas station building. There are two waivers being requested: 1) relates to sight distance between intersections (Section 175-32B) which are consistent with PennDOT regulations and 2) minimum radius of 100 feet (Section 175-33D).

Mr. Mott made a motion for RLD/Atwater Commercial Final Subdivision and Land Development Plan for the development of a hotel, gas station, retail/restaurants at Atwater Drive & Route 29 in the Turnpike Interchange Overlay Zoning District subject to Arro's letter dated, July 15, 2015 as well as two waiver requests in said letter. Mr. Wrabley seconded and the vote was unanimous.

Exeter Preliminary/Final Land Development Plan at 8 Lee Boulevard for 121,575 sq. ft. building addition on 17.9 acres in an O/BP Zoning District. Ms. Yarnoff advised the Board that there is an existing warehouse building on site. In 1985, approval was granted for a second warehouse building but that was never built, however, all the infrastructure was in place. They are currently proposing to construct a 121,575 sq. ft. addition. The applicant is requesting four waivers: Section 175-23C, Section 175-35A, Section 175-41A and Section 175-27H as outlined in Arro's letter dated, July 15, 2015. The Township Zoning Officer has confirmed that the applicant does not need Conditional Use Approval since the steep slopes are manmade.

Mr. Wrabley made a motion to approve the Exeter Preliminary/Final Land Development Plan at 8 Lee Boulevard for 121,575 sq. ft. warehouse addition on 17.9 acres in an O/BP Zoning District subject to Arro's letter dated, July 15, 2015 and approval of the waivers requested. Mr. Mott seconded and the vote was unanimous.

OLD BUSINESS

Mr. Battin addressed the issue of property maintenance. He mentioned that there are 14 location where there are either hoarders or the property is abandoned. Discussion ensued.

NEW BUSINESS

Mr. Holmes thanked Robert Ricciardi for his 20 years of service and dedication on the Park and Recreation Board.

Tim Caban, Chairman of the Historical Commission accepted and expressed his appreciation for the donation of \$33,779.10 from the Estate of Mr. Swayne. Mr. Lincke stated that he has been in contact with the attorney for the Estate and expressed the township's appreciation.

Adoption of Resolution No. 23-2015 permitting municipal deposits to Stifel Investment Services. Mr. Nagel stated this allows for the change to the authorized signers from the Board to the municipal staff. Mr. Mott made a motion to adopt Resolution No. 23-2015 permitting municipal deposits to Stifel Investment Services. Mr. Wrabley seconded and the vote was unanimous.

A proposal from Thomas Comitta Associates for professional services updating the Park and Recreation Plan of 2003 through a Recreation Plan Fact Sheet. Jennifer Reitz from Comitta Associates stated that this allows for a review and to update the fees to include non-residential developments. Mr. Wrabley made a motion to approve a proposal from Thomas Comitta Associates for professional services updating the Park and Recreation Plan of 2003 through a Recreation Plan Fact Sheet not to exceed \$9,580. Mr. Mott seconded and the vote was unanimous.

Mr. Mott made a motion to adopt Resolution No. 24-2015 amending the Township's Fee Schedule for Recreation Fee in Lieu of open space dedication started in 2000. Mr. Wrabley seconded and the vote was unanimous.

Motion to approve the acceptance of 2014 Fund Balance Statement Audit. Jeff Kowalczyk, Barbacane Thornton, provided the overview of the township's funds and the services provided by his company. He stated that the township's funds received a clean audit. Mr. Wrabley made a motion to approve the acceptance of the 2014 Fund Balance Statement. Mr. Mott seconded and the vote was unanimous.

Mr. Nagel advised the members that \$5.6 Million exists in the General Fund and \$9.6 Million in the Capital Improvement Fund. He stated that standard practices as recommended by Government Finance Officers Association (GFOA) should assign a certain amount of monies for specific area. They are as follows: 1) setting up an Operating Contingency of about \$1,543,000 to be assigned for two months' worth of expenditures; 2) Tax Stabilization of \$1,750,000 for non-recurring sources; 3) Long Term Road Plan of \$500,000 to be placed in the Capital Improvement fund; 4) Long Term Capital Equipment of \$500,000 to be moved to Capital Improvement fund and 5) Capital Improvement Projects of \$1.3 million transferred from General Fund to Capital Improvements fund for future projects. Capital Improvement Funds will spend \$8 Million for the Public Works building project and the remainder of \$1.6Million would be assigned to future projects. Mr. Nagel thanked Cathy Palmer for her dedication. Mr. Mott made a motion to approve the 2014 Fund Balance Classifications. Mr. Wrabley seconded and the vote was unanimous.

Mr. Nagel mentioned that he is recommending having Arro Engineering provide a study to price and age the roadway to determine when repairs and replacement would be required. Mr. Wrabley made a motion to approve the authorization of a Pavement Management Study for Arro Engineering. Mr. Mott seconded and the vote was unanimous.

Mr. Mott made a motion to adopt Resolution No. 25-2015 amending the PennDOT traffic signal permit at Morehall Road and Great Valley Parkway. Mr. Wrabley seconded and the vote was unanimous.

Mr. Holmes advised that the township is proposing to have Lafayette College Meyner Center to provide for a search for a Planning & Development Director position. This center was used in the job search for our township manager. Mr. Mott made a motion to approve the proposal to engage Lafayette College Meyner Center for the Study of State and Local Government for professional services in the amount of \$3,000. Mr. Wrabley seconded and the vote was unanimous.

Mr. Steele advised that the bid specification for the Deer Run Trail Path Connector were handled through PennBid. One bid was submitted by DiRocco Construction for \$54,678.50. The planning design was provided by Arro Engineers.

Mr. Robert Milton addressed the Board and again expressed his opinion that the 10% grade of the trail is dangerous and that a bid should not be awarded. He feels that any grade over 5% is unacceptable. He also felt that there was insufficient buffering. Discussion ensued.

Mr. Wrabley made a motion to award the contract to construct approximately 125 LF of a pedestrian trail for the Deer Run Path Trail Connector to DiRocco Construction in the amount of \$54,678.50. Mr. Mott seconded and the vote was unanimous.

Mr. Holmes made a motion to advertise the Haly Oil Conditional Use Application at 57 Lancaster to permit development through steep slopes. Mr. Wrabley seconded and the vote was unanimous.

RLD Atwater Village Memorandum of Understanding with respect to Project Sewage Matters. Mr. Riper presented the background of this site. He stated that Tredyffrin Township sold 46,000 gallons of sewer capacity to Trammell Crow which was reassigned for this project. However, 187,000 gallons will pass through East Whiteland Township. Therefore, this agreement will enable the Township to consider this project as a separate building district. The base quarterly fee will be \$120 per edu. This Memorandum of Understanding has been worked out with respective parties to cover the costs associated with sewer capacity. Mr. Mott made a motion to approve the Memorandum of Understanding with Respect to Project Sewage Matters at RLD Atwater Village at Route 29 and Atwater Drive. Mr. Wrabley seconded and the vote was unanimous.

Mr. Steele stated that the Operation and Maintenance Agreement with the Planebrook Partners Cockerham site is for a temporary pump station to be owned and maintained by the developer. The Township is working with them to develop a regional pump station. Mr. Mott made a motion to authorize the Township Manager to sign an Operation and Maintenance Agreement with respect to a Temporary Pump Station. Mr. Wrabley seconded and the vote was unanimous.

Mr. Holmes made a motion to submit an application to the Zoning Hearing Board for three 30 foot lights at the Public Works building to be used during emergencies and snow removal operations. Mr. Mott seconded and the vote was unanimous.

The regular meeting was recessed at 9 pm.

PUBLIC HEARING

The regular meeting was continued at 9:05 pm. and the following public hearing began at 9:10 pm:

The continued Conditional Use hearing opened at 9:10 pm to consider the application of Planebrook Partners, LLC to construct 64 townhouses on 12 ± acres on the northeast corner of Frame Avenue in a VMX – Village Mixed Use Zoning District. The record was closed at 9:23 pm. The Board will render a decision at the September 9, 2015 meeting.

Public hearing to consider an amendment to Chapter 163 of the Solid Waste Ordinance for leaf collection by private haulers was opened at 9:23 pm. and the record was closed at 9:27 pm. The Board of Supervisors unanimously approved the amendment to the Solid Waste Ordinance for leaf collection by private haulers.

Public hearing to consider an amendment to Chapter 90 of the Burning Ordinance prohibiting burning of recyclables was opened at 9:27 pm and the record was closed at 9:29 pm. The Board of Supervisors unanimously approved the amendment to the Burning Ordinance by prohibiting burning of recyclables.

Public hearing to consider an ordinance text and map amendment for the creation of a new zoning district for Liberty Property - Great Valley Revitalization (GVR) was opened at 9:29 pm and was closed at 10:30 pm. The Board has continued the hearing to September 9, 2015.

Swedesford Partners hearing opened at 10:31 pm to consider the request for a Zoning Ordinance Text & Map amendment to rezone their current property located in an I-Industrial district to RHM-Medium High Density Residential District east of Malvern Hunt for a townhouse community. The hearing was closed at 10:32 pm. and continued to the September 9, 2015 meeting.

The hearing concluded at 10:32 pm.

ADJOURNMENT

Hearing no new business the regular meeting was adjourned at 10:37 p.m.

Respectfully submitted,

Maureen G. Perri
Township Secretary