

EAST WHITELAND TOWNSHIP
REGULAR MEETING
January 13, 2016

William Holmes, Chair, called the meeting to order at 7:05 p.m. Richard Orlow, Vice Chair, Susan Drummond, Member, William Lincke, Township Solicitor, John Nagel, Township Manager, Bill Steele, Asst. Township Manager, Gene Dooley, Police Chief, Cathy Palmer, Finance Director, Scott Greenly, Director of Planning & Zoning, and Maureen Turley, Township Secretary were present. There were twenty-five (25) people in the audience at the start of the meeting.

Everyone recited the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Orlow made a motion to approve the Minutes of the Regular Meeting of December 19, 2015. Mr. Mott seconded and the vote was unanimous.

ANNOUNCEMENTS

- Aqua Pa will be upgrading their infrastructure in East Whiteland beginning September 8th with a completion date in January 2016. Contact Aqua Customer Services at 877-987-2782 for issues concerning emergencies or water quality
- Bacton Hill Rd will be closed in front of #19 (Great Valley Basketball Assoc.) for approximately 5 days beginning January 18th weather permitting. Traffic will be detoured to Conestoga Road, Phoenixville Pike and Swedesford Road
- The Township wishes to acknowledge the lifesaving efforts of Ofc. Peter Dougherty

Mr. Kevin Gongdon provided an overview of the events in his family concerning his son who suffers with an addiction. Information provided by Officer Dougherty, enabled them administer a drug which counteracts the effects of an overdose. Mr. Gongdon expressed his heartfelt thanks to Officer Dougherty.

PUBLIC COMMENT

None

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND
TOWNSHIP OFFICIALS

Gary Sheridan, President of the EWT Volunteer Fire Association, stated that they responded to 122 calls, 57 fire and 65 medical incidents in December. There were nine overlapping incident. Mr. Sheridan stated that there were 20 false alarms and that this is a County wide issue.

Gary also stated that they received a grant from Homeland Security for an ATV which can be used on the trails/parks.

He stated that the Fire Board met and the following were appointed: Richard Orlow, Deb Abel and Cecil Moore.

Virginia Pohlman, Chairman of Environmental Advisory Council, read a statement of the Council's concern with the Bishop Tube site. Their feeling is that with so many unanswered questions that they could not recommend to the Board to approve the steep slope ordinance being proposed. A copy of the statement is attached hereto.

Bill Steele, Asst. Township Manager - PECO gas line has been installed and charged for the new Public Works facility.

Ken Battin, Fire Marshal, stated that they have purchased new software to capture and report the fire company statistics. The annual report will show that they responded to 1,542 calls of which 1,037 were in East Whiteland Township.

He also spoke relative to a new radio system purchased by the County.

John Nagel, Township Manager, offered that the Township received \$35,000 from DEP for our recycling efforts. In addition, a real estate appraisal for the garage was done and now we will be able to market the that facility.

ACCEPTANCE OF THE TREASURER'S REPORT

Cathy Palmer, Director of Finance stated that the 2015 budget resulted in a \$304,500 shortfall due to a \$750,000 decrease in building permit fees. Also, \$1.1M in transfers were made to the Capital Improvement Fund and the OPEB fund. An allocation of \$500,000 for long term Road plan, \$500,000 for long term equipment plan, \$50,000 each for Capital Improvements and OPEB fund.

Ms. Drummond made a motion to accept the Treasurer's report for December 31, 2015. Mr. Orlow seconded and the vote was unanimous.

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Mr. Orlow made a motion to accept the ratification of the payment of bills as of December 31, 2015. Ms. Drummond seconded and the vote was unanimous.

OLD BUSINESS

Malvern Meetinghouse update – Mr. Battin stated that he has been in contact with TD Bank whereby he provided copies of all of the Notice of Violations which existed. He feels that the TD Bank will be interested in demolishing the building and have given them a time frame until July, 2016 for site corrections.

NEW BUSINESS

a. Mr. Nagel stated that Applied Video Technology has submitted a quote in the amount of \$46,982.00 to provide Audio Visual and Video Production services for the Board meetings. Discussion ensued. Mr. Orlow made a motion to award a state contract to Applied Video Technology in the amount of \$46,982. Ms. Drummond seconded and the vote was unanimous.

b. Lorraine Reed of O'Brien Business Systems, explained the Phase 1 proposal for installation of high density storage equipment. This Phase will begin in the basement where building permits and land development files are stored. In this area, there will be shelving for the police department's lockers and storage for gear bag. The cost for this project is \$64,923. The price quoted is in accordance with the state contracts. Ms. Drummond made a motion to award a state contract for Records Management Equipment and Conversion to O'Brien Business Systems in the amount of \$64,923. Mr. Orlow seconded and the vote was unanimous.

c. Mr. Holmes made a motion to advertise a hearing for February 10, 2016 for DVHT Ordinance and Trust Agreement to provide employee health care. Ms. Drummond seconded and the vote was unanimous.

d. Mr. Holmes made a motion to advertise a hearing on March 9, 2016 to amend the SALDO Ordinance for a Recreation Fee in Lieu for Commercial developments. Mr. Lorgus, Liberty Property, outlined his review and the impact this would have on his proposed project. He is not opposed to providing developing parkland but felt that the proposed fees are skewed. Discussion ensued. After much discussion, a decision was made to table the advertisement until Mr. Lorgus could meet with Township staff.

e. Mr. Holmes made a motion to advertise a hearing for March 9, 2016 to amend the Zoning Ordinance to modify the definition of Passive Recreation. Mr. Orlow seconded and the vote was unanimous.

f. Ken Battin, Director of Codes & Life Safety stated that the County has recently implemented a new radio system; therefore, the Township is required to buy new portable radios. Ken has contacted Harris Corporation who will match the pricing given to the County. The cost to the Township is \$12,187.50. Ms. Drummond made a motion award the County contract price for Vehicle & Portable Radios for Codes & Life Safety to Harris Corporations not to exceed \$13,000. Mr. Orlow seconded and the vote was unanimous.

g. Mr. Holmes made a motion to advertise a hearing for February 10, 2016 to consider an amendment to the Radio Booster Ordinance. Ms. Drummond seconded and the vote was unanimous.

h. Mr. Orlow made a motion to accept the 2016 Township Holiday Calendar Schedule as submitted. Ms. Drummond seconded and the vote was unanimous.

i. Mr. Steele advised that as a result of the development of the Celia Tract we need an upgrade to the Frame Avenue pump station. Arro Engineers will need to develop the specifications to replace this station. The new Planebrook Road Regional Pump Station will require a new DEP permit. Ms. Drummond made a motion to approve Arro's planning process for the Planebrook Road Regional Pump Station. Mr. Orlow seconded and the vote was unanimous.

j. Mr. Steele advised that Arro has been providing professional services for the Malvern Hunt Spray Irrigation sanitary sewer system and preparing the renewal permit for DEP. This permit is required to be submitted at least 180 days prior to expiration. The charges for their services is not to exceed \$4,600. Mr. Orlow made a motion to approve Arro's proposal for a DEP renewal permit for Malvern Hunt Wastewater Treatment Plant. Ms. Drummond seconded and the vote was unanimous.

k. Mr. Steele advised that due to the extended construction time frame of the Public Works building, additional costs were incurred for Reynold's for oversight of the project. This cost amounts to \$21,893. Ms. Drummond made a motion to approve payment to Reynolds Construction for additional services from September through December in the amount of \$21,893 for construction management of the Public Works facility. Mr. Orlow seconded and the vote was unanimous.

l. This is a Second Amendment to Declaration Creating & Establishing Stonecliffe at Atwater with RLD Atwater JV a planned community on Route 29. Mr. Greenly advised that this is for information purposes only. This is part of an HOA document providing standards within the community.

m. Mr. Nagel advised that this draft email revision will be updated to the Employee Manual and to the Police Standard Operating Policies concerning the use of township computers and email usage. Mr. Orlow made a motion to approve the draft email revisions to the Employee Manual & to the Police Standard Operating Policies manual concerning the use of township computers and email usage. Ms. Drummond seconded and the vote was unanimous.

n. Mr. Holmes made a motion to reappoint Gary Sheridan and Deborah Watkins for a three year term on the Environmental Advisory Council. Ms. Drummond seconded and the vote was unanimous.

o. Mr. Nagel stated that we have a proposal from All Covered who will provide professional services for an assessment of our computer network infrastructure and to provide a Five Year Strategic Plan. The cost for this service is \$5,250. Ms. Drummond made a motion to enter into a contract with All Covered in the amount of \$5,250 to assess our computer network infrastructure and to provide a Five Year Strategic Plan.

p. Mr. Nagel mentioned that the 2015 Act 205 Reports and Actuarial Valuation Reports have been prepared and will be forwarded to the State for review of the township pension plans.

Mr. Orlow made a motion to approve the 2015 Act 205 Reports and Actuarial Valuation Reports prepared by Univest for submission to the Public Employee Retirement Commission. Ms. Drummond seconded and the vote was unanimous.

q. Mr. Holmes made a motion appoint Deb Abel, Richard Orlow and Cecil Moore as representatives to the Volunteer Fire Board. The terms of office are: Deb Abel is to serve for three years, Richard Orlow and Cecil Moore each are to serve two year terms. Ms. Drummond seconded and the vote was two in favor (Mr. Holmes & Ms. Drummond) and Mr. Orlow abstained.

The regular meeting recessed at 8:40 pm and reconvened at 8:45 pm.

PUBLIC HEARINGS

Mr. Holmes stated that due to the environmental concerns around Bishop Tube remediation and the ongoing DEP reviews that there will be no hearings scheduled until further notice.

Mr. Colagreco represents the Atwater development for signage at the commercial properties located on Route 29 and Atwater Drive. The applicant is requesting to amend the Zoning Ordinance Article XIII "signs" and to add a new section 200-89.2 entitled "Signs in a Turnpike Interchange Overlay District". For their commercial lots, they have taken into consideration the signage that already exists elsewhere in the Township and have incorporated them into this district. This area will be comprised of a hotel, retail space, and a gasoline service station.

The hearing closed and the regular meeting reopened at 8:49 pm

Mr. Orlow made a motion to amend the Zoning Ordinance, Article XIII, entitled "Signs" and to add a new section 200-89.2 entitled "Signs and Turnpike Interchange Overlay District". Mr. Holmes seconded and the vote was unanimous.

Mr. Holmes opened the Conditional Use hearing for an agricultural use and placement of a 24 x 30 ft. shed for honey extraction at 1239-41 W. King Road in an R-1 zoning district. Mr. Battavio explained how they take the bee frames and place them into an extractor which spins off the honey into a settling tank. The bottling and sale of the honey are not done at this site. He also described the Colony Collapse Disorder effecting the honey bees.

The hearing closed at 9:20 pm. and the regular reconvened.

Ms. Drummond made a motion to approve the Conditional Use application for the agricultural use of honey extraction at 1239-41 W. King Road in an R-1 zoning district. Mr. Orlow seconded and the vote was unanimous.

ADJOURNMENT

Hearing no new business the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Maureen G. Turley".

Maureen G. Turley, Township Secretary

The EAC has met with the developers and PA DEP representatives to discuss the Bishop Tube Property and its development as a residential property with respect to the current and future state of TCE contamination.

EAC members reviewed site plans & discussed concerns regarding Steep Slope Ordinance changes that developers are requesting from the BOS. The following are the EAC thoughts/concerns specific to the steep slope ordinance:

1. An analysis by a licensed hydrogeologist should be performed to ensure that the stormwater recharge/infiltration system is designed to ensure no effect on furthering the spread of the existing plume. This analysis should determine whether infiltration of stormwater from the sloped portion of the site will mobilize the contaminants found on the downhill (flat) portion of the site.
2. A portion of the stormwater from the site has the potential of impacting Valley Creek ~~(a stream)~~. This needs to be included in the hydrologic evaluation.
3. The developer needs to receive approval from both PADEP and the township for the stormwater system design. PADEP members also expressed concerns about the steep slope changes and the impact of the stormwater on the contaminated portion of the site.

The EAC has the following additional concerns with regard to residential development of this PADEP Superfund site:

1. The developer should ensure that a system is in place (financially and/or structurally) for maintaining the onsite equipment that maybe needed in individual housing units to maintain a safe environment. The systems, if any, will be dependent on the level and extent of contamination in the immediate vicinity of the housing units at the time they are constructed and will need to be operated and maintained for as long as contamination continues to be present.
2. PADEP agreement with Responsible Parties (RPs) is only to industrial standards not residential standards. The site is zoned for residential.
3. Developers are not responsible for any of the remediation and have caused access problems in the past.
4. The RI (Remediation Investigation) Report was recently completed. PADEP still needs to determine what remediation methods are required to clean up the site.
5. Treatability Study results were not as good as expected, part of the problem was the bacteria did not have good contact with the contaminants in overburden portion of the plume. The bacteria gravitated to greater depths (bedrock).
6. PADEP and the RPs do not currently have an agreement for site clean up (remediation) PADEP told the EAC this would take at least 5 months and that is only if the RPs agree to clean up site.
7. EAC is still waiting for the ATSDR health risk assessment report. ATSDR previously performed a risk assessment for industrial use. The current risk assessment will evaluate risks to human health for residential use. The risk assessment is expected to be completed over the next few of months.

EAC commended the developers for wanting to have the site cleaned up to residential standards. However, with so many unanswered questions the EAC could NOT recommend the BOS approve the steep slope ordinance changes at this time.