

EAST WHITELAND TOWNSHIP  
REGULAR MEETING  
April 13, 2016

William Holmes, Chair, called the meeting to order at 7:05 p.m. Richard Orlow, Vice Chair, Susan Drummond, Member, Joseph McGrory, 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, Darrell Becker, Township Engineer and Maureen Turley, Township Secretary were present. There were twenty (20) people in the audience at the start of the meeting.

Everyone recited the Pledge of Allegiance.

Mr. Holmes stated that an Executive Session was held prior to the regular meeting to discuss several legal matters before the Board.

APPROVAL OF MINUTES

Ms. Drummond made a motion to approve the Minutes of the Regular Meeting of March 9, 2016 with a correction on page 17, first sentence by changing the word “plantings” to “growth”. Mr. Orlow seconded and the vote was unanimous.

Mr. Orlow made a motion to approve the minutes of the special meeting held on April 4, 2016 whereby they appointed Joseph McGrory, Esquire as Township Solicitor. The motion was seconded by Ms. Drummond and the vote was unanimous.

ANNOUNCEMENTS

- East Whiteland Township’s monthly Board of Supervisors meetings are currently broadcast on Comcast Channel 15 on Sundays at 9 am. We also stream our meeting broadcasts on [www.municipalmeeting.com](http://www.municipalmeeting.com). We have applications in to both Comcast and Verizon to expand our broadcast frequency.
- Chester County Household Hazardous Waste Event: Center for Arts & Technology Pickering Campus, 1580 Charlestown Rd., Phoenixville, Saturday, April 16<sup>th</sup>, 9 am to 3 pm, NO ELECTRONICS WILL BE ACCEPTED - for acceptable items go to [www.chestercswa.org/documentcenter/view/1475](http://www.chestercswa.org/documentcenter/view/1475)
- Duane Milne’s Annual Shredding, Recycling and Drug Take Back Day: April 30, 2016, 9 am.-1 pm at Penn State Great Valley Campus, 30 Swedesford Road, [www.DuaneMilne.com](http://www.DuaneMilne.com)
- Chester Valley Trail opening day is April 16<sup>th</sup> – 9 am to 12 Noon
- Local Government Week – will be observed beginning April 11th thru April 16<sup>th</sup>

## PUBLIC COMMENT

None

Mr. Nagel announced that the public hearing for the Passive Recreation Ordinance or Fee in Lieu Ordinance has been postpone.

## INTRODUCTION OF NEW EMPLOYEES

Mr. Steele presented the new Assistant Public Works Director – John Neild. He stated that John brings extensive supervisory and field experience from the construction industry.

Chief Dooley presented Corinne Arthur as a new Asst. Police Secretary. Corinne bring 20 years of law enforcement experience working at the county. Also, the Chief introduced Jeffrey Murray as a new part-time officer. Mr. Murray retired in 2015 from the West Chester Police Department after serving 20 year and is returning to active duty.

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

East Whiteland Volunteer Fire Association –Trayce Virginia Carr was sworn in as a new Fire Police member. Mr. Holmes administered the Oath of Office.

Chris Strauss, Deputy Fire Chief, EWT Volunteer Fire Association, stated that they responded to 117 calls, 38 fire and 79 medical incidents in March. There were 16 overlapping incidents. Mr. Strauss stated that there were 16 false alarms and that this is a County wide issue. He mentioned that the Fire Board obtained bids for a new ambulance but have not yet awarded the contract.

Tim Caban, Chairman of Historical Commission, announced that they have a contractor restoring the door at the Gunkle Mill. On another note, he asked about the auction for Loch Aerie mansion. He wanted to know, if the property could be used as a residence. He was informed that an individual who would like to use the property as a residence would be required to file a Conditional Use Application due to the zoning classification. The Board of Supervisors would support such a use (of the property being used as a residence).”

Bill Steele, Asst. Township Manager, mentioned that the culvert work on North Bacton Hill Road has been completed. He also submitted a proposed list of streets to be paved, and he will be working with the Township Engineer on quantities needed for the paving.

Ken Battin, Fire Marshal, will be attending a FEMA meeting concerning recovering costs from the 30 inch snow storm this past winter. Also, he stated that they have been acquiring fire protection foam due to National Foam Company moving out of the area. He has secured a stockpile of foam which would be used in fighting fires at the tank farm and tractor trailers. There will be training in August in the operation of the foam trailer. The money has been secured from Homeland Security.

John Nagel, Township Manager, has submitted his report. Bruce McCullough from AVT provided information on the electronic upgrades installed in the meeting room. They have installed new monitors, microphones, speakers and computer connections. He is still working on connecting with the TV channels. Mr. Nagel thanked Mark Koenig for his work internally on this project. The Wifi connections has also been upgraded. Resident can view these meetings at [www.municipalmeeting.com](http://www.municipalmeeting.com).

#### ACCEPTANCE OF THE TREASURER'S REPORT

Cathy Palmer, Director of Finance stated that the General Fund balance is at 34% and the expenses are only at 17%. Mr. Orlow made a motion to accept the Treasurer's report for March 31, 2016. Ms. Drummond seconded and the vote was unanimous.

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

Ms. Drummond made a motion to accept the ratification of the payment of bills as of April 13, 2016. Mr. Orlow seconded and the vote was unanimous.

#### NEW BUSINESS

Discussion of landscaping and signage issues related to St. Gobain. Mr. Nagel mentioned that the staff have been working with residents' relative to screening and their petition to restore plantings in the Flood Hazard District along Mill Lane; but, to date no resolution has been forthcoming. Mr. Nagel conducted meetings with Mr. Lutz and Mr. Kahn seeking a solution. Mr. Kahn feels that he has completed his requirement of the landscaping plan.

Mr. Lutz presented the Neighborhood position relative to screening of the St. Gobain property. A copy is attached hereto. In addition to screening and replanting of the buffer along Mill Lane, there was the issue of the signage placement and lighting but an agreement has been reached concerning this issue. Mr. Lutz and residents wish to have the underbrush area along the Flood Hazard district be replanted. Discussion ensued. Mr. Orlow asked if the real issue is the screening of the off-street parking area. Mr. Lutz agreed, but, also stated that the removal of vegetation is causing erosion in one area. He and the residents want to have the underbrush replanted and provide screening of the parking lot. Both Mr. Holmes and Mr. Lutz stated that they haven't seen any flooding in this area before. Discussion ensued.

David Cavanaugh, Land Concepts, is a landscape architect and has been hired by the township. He advised that he has done a cursory investigation of the property. He stated that there is very little room at the top of the berm and spruce trees need a lot of sun. He suggested planting of understory trees and shrubs which would fill in the lower levels. He felt that since the bank is collapsing that perhaps a fence would be a better resolution. The cleared area was basically invasive material and no trees were removed. He did notice that this area shows signs of regrowth happening.

Eli Kahn feels that the 1995 agreement is between East Whiteland Township and Veterans Life Insurance Company and that it does not transfer to the current owner. His

landscaper felt that the trees listed in the 1995 agreement would not survive for 20-25 years. After many meetings with Mr. Lutz, the only agreement acceptable to him is the 1995 one. The understory area hasn't been maintained for 25 years and, due to lack of maintenance, this was the cause of the erosion. Mr. Kahn stated that the erosion has nothing to do with the removal of the brush. He has provided the stabilization to control the erosion as recommended by the Township Engineer. He agreed to the following: 1) adhering to the landscaping plan of land development plan; 2) downlight the sign at Sidley and Mill; and 3) installing a timer on the billboard sign along Rt. 202. Mr. Holmes felt perhaps the township's landscape architect could be arbiter.

Brough Richey, resident, appreciates Mr. Kahn's renovation and development of the site. He was agreeable to planting of some type of shrubs along Mill Lane. He would like to have a reduction of the lighting of the parking lot later in the evening. Mr. Holmes will investigate what our Lighting Ordinance recommends.

Tammy Hoffritz, resident, felt that the underbrush clearing has enhanced the visibility of the sound barrier wall along Rt. 202. She hoped that there was some other way than waiting for the growth to return.

Brian Brook, resident, wants enforcement of the existing plan and restoration of the Flood Hazard District.

Mr. Lutz felt that the former Township Solicitor, Bill Lincke, felt that the agreement followed with the property and not the property owner. He questioned whether the landscape plan is a recorded plan. He suggested that some type of measure of quantities be outlined for monitoring purposes.

b. McMahan Associates presented an overview of transportation issues within the Township and the recommendation identified by the Comprehensive Plan Taskforce. The priority focus areas were: 1) bicycle & pedestrian connectivity; 2) growth management; and 3) Route 30 improvements. He stated that the work on Route 401 should be completed by June, 2016. Discussion ensued.

c. Mr. Orlow made a motion to appoint Land Concepts as the township's landscape architect for professional services at the rate of \$120. Ms. Drummond seconded and the vote was unanimous.

d. Ms. Drummond made a motion to accept Resolution No. 13-2016 accepting the Dedication of Willing Way roadway in the Willinghouse Preserve development on Route 401. Mr. Orlow seconded and the vote was unanimous.

e. Mr. Orlow made a motion to accept Resolution 12-2016 for the Disposition for Destruction of Records. Ms. Drummond seconded and the vote was unanimous.

f. Mr. Holmes made a motion to advertise for bids for Valley Creek Park improvements (pavilion, stairs and playground equipment). Mr. Orlow seconded and the vote was unanimous.

g. Ms. Drummond made a motion to ratify the 2016 Summer Camp recreation program and fees. Township residents will pay \$175 for the first child and \$160 for each additional child. Non-residents will be charged \$240 for the first child and \$225 for each additional child. Mr. Orlow seconded and the vote was unanimous.

h. Motion to consider phase 2 of the records management implementation. Mr. Nagel asked to table this motion until the end of the second quarter due to stagnant permit revenue.

i. Mr. Nagel mentioned that there exists a three person volunteer board for the police pension and they are operating without fiduciary coverage. Mr. Orlow made a motion to authorize the purchasing Fiduciary Liability Insurance in the amount of \$3,100. Ms. Drummond seconded and the vote was unanimous.

j. Mr. Holmes made a motion to advertise a hearing for May 11, 2016 to permit Atwater to increase the height limitation by ten(10) feet from 85 to 95 feet for an office building in an O/BP zoning district. Mr. Orlow seconded and the vote was unanimous.

k. Mr. Steele advised the members that the project was advertised and placed on PennBid website for the Wilburdale Force Main/Gravity Line in Flat Road Sanitary Sewer Replacement. This is an extension of the gravity line along Flat Road which then will flow into the Wilburdale Force Main. He is recommending awarding the contract to the low bidder - Anrich, Inc. for \$539,210. Mr. Orlow made a motion to award the contract to construct the Wilburdale Force Main & Gravity Line on Flat Road to Anrich in the amount of \$539,210. Ms. Drummond seconded and the vote was unanimous.

l. Ms. Drummond made a motion to designate Ken Battin as an agent of the township for the purpose of obtaining financial assistance under Robert T. Stafford Disaster Relief Assistance Act. Mr. Orlow seconded and the vote was unanimous.

m. Mr. Orlow made a motion to accept the firm of Hamburg, Rubin, Mullin, Maxwell & Lupin as Township Solicitors with a billable rate of \$155/hr. Ms. Drummond seconded and the vote was unanimous.

## PLANS

Final Subdivision Plan: Trammell Crow/Atwater Lot 13 - Mr. Colagrecio advised that the lot line on the subdivision plan was never adjusted to show the final relocation of Elbrooke Lane. Therefore, they are eliminating the current lot line shown on the record plan adjusting it to show the final location of Lot 13. There are five waivers:

1. Section 175-22A – able to depict entire site within one plan sheet;
2. Section 175-22C(7) – maintain coordinates & bearings of Atwater Plan series;
3. Section 175-22C(8) – to not provide contour lines on proposed subdivision plan – purpose is for title conveyance only;
4. Section 175-22C(17) to not provide location, size and invert elevations on storm and sanitary structures;

5. Section 175-22D(5) to not provide a Conservation Plan.

Mr. Orlow made a motion to approve the Final Subdivision Plan: Trammell Crow/Atwater Lot 13 to update the lot line and the area designated as part of Elbrooke Lane right of way to reflect the previously approved and constructed configuration subject to the Township Engineer's letter, dated March 22, 2016 and the five waivers mentioned. Ms. Drummond seconded and the vote was unanimous.

Amended Final Land Development Plan: Atwater Commercial Phasing Plan – Mr. Colagreco mentioned that at the March meeting the Board approved the entire land development plan of the commercial site which includes bank pad, hotel, and restaurants. They wish to record a phasing plan since they are not ready to develop all of the site since changes will occur. Ms. Drummond made a motion to Amended Final Land Development Plan: Atwater Commercial Phasing Plan in the O/BPS sub-district of the Turnpike Interchange Overlay District to permit Lot 4 development occurring in two phases. Mr. Orlow seconded and the vote was unanimous.

The regular meeting recessed at 9:15 pm and reconvened at 9:20 pm.

### PUBLIC HEARINGS

A public hearing to consider a Conditional Use Application by Great Valley Community Organization to consider disturbance of a manmade steep slope area at 19 North Bacton Hill Road in an I-Industrial Zoning District. Mary Ann Rossi, Esquire represents the organization located on North Bacton Hill Road in an I-Industrial Zoning District. The applicant is seeking approval under Section 200-57.F(4) to disturb an area of steep slopes which are manmade and formerly railroad tracks. The applicant was asked to consider a trail on the property and, therefore, be added as a condition of approval. Mr. McGrory, Township Solicitor, asked that the applicant incorporate a sketch of a trail on their plan before approval. Ms. Rossi, made a motion for admission of their exhibits and to continue the hearing to May.

Hearing was closed at 9:49 pm

A public hearing to consider a Conditional Use Application by Atwater Commercial to allow an office/professional building on Lot 3 in the O/BPS sub-district in the Turnpike Interchange Overlay District previously approved for a bank pad. Mr. Colagreco stated that in this district office space requires approval by Conditional Use pursuant to Section 200-37B. They are seeking to change the approved bank pad use and to construct a 5,500 SF office building whose size is similar to the bank.

Hearing was closed at 10 pm

A public hearing to consider amending the Zoning Ordinance section 200-58 to add a subsection "L" providing for Demolition by Neglect of Historic Resources and a Subsection "M" to provide for enforcement. Mr. Scott advised that this section was deleted when the Zoning Ordinance was last updated and that this Ordinance is to correct that error.

Mr. Orlow made a motion to approve amending Zoning Ordinance Section 200-58 by adding a subsection "L" providing for Demolition by Neglect of Historic Resources and a subsection "M" to provide for enforcement. Ms. Drummond seconded and the vote was unanimous.

The hearing closed at 10:10 pm. and the regular reconvened.

ADJOURNMENT

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

Respectfully submitted,

Maureen G. Turley, Township Secretary