

EAST WHITELAND TOWNSHIP
REGULAR MEETING
November 9, 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, and Maureen Turley, Township Secretary were present. There were forty (40) people in the audience at the start of the meeting.

Everyone recited the Pledge of Allegiance.

A moment of silence was held honoring Chuck Clayman and Edward Galante who recently passed away.

APPROVAL OF MINUTES

Mr. Orlow made a motion to approve the Minutes of the Regular Meeting and of the Budget meetings held October 12, October 20th, October 27th and November 2nd. Ms. Drummond seconded and the vote was unanimous.

ANNOUNCEMENTS

- East Whiteland Township's monthly Board of Supervisors meetings are currently broadcast on Comcast Channel 996 and Verizon 46. We also stream our meeting broadcasts on www.municipalmeeting.com.
- Acceptance of the resignation of Anthony Plitnik from Zoning Hearing Board
- Installation of Drug Collection unit which was a grant from CVS in the Municipal Lobby
- Executive Sessions were held on October 12th, October 27th and November 2nd

FUNDING OF THE MALVERN LIBRARY

Christina Celona, Deputy Director of the Library, spoke concerning the need for continued funding from the Township. The Township's contribution represents 20% of their revenue. She advised that the taxes collected by the County are distributed by the main branch to all the libraries, therefore, the percentage that Malvern branch receives is minimal. Deleting the funding from East Whiteland would impact purchasing, salaries and programs offered to the residents. She asked that the Township continue to provide their contribution of \$47,000 as they have in the past. Ms. Drummond stated on behalf of the other members, that they will continue the current funding to the Malvern Library.

Residents expressed their support of the library and the value it has to their lives. It was suggested that individuals may also send contributions to support Malvern library.

PUBLIC HEARING

Mr. Holmes advised the audience that the hearing for the Great Valley Little League has been continued.

The hearing was opened at 7:30 pm

A hearing was opened to consider adoption of an Ordinance regulating Wireless Communication Facilities. Mr. McGroary, Township Solicitor, presented the exhibits relative to this hearing. He offer that this is actually a Data Antennae Systems (DAS) and townships are facing requests from applicants to expand their wireless communications to meet demand. Discussion ensued.

A resident asked for an explanation of what a Data Antennae System is. Residents were advised that copies are available for inspection. Mr. Sheridan had concerns about the fire company property which is non-conforming and its impact on emergency services.

Ms. Drummond made a motion to adopt an ordinance regulating Wireless Communications Facilities (Data Antennae Systems). Mr. Orlow seconded and the vote was unanimous.

Hearing closed at 7:40 pm

PUBLIC COMMENT

Mr. Hartley – Sidley Road – expressed his concern about the budget deficit, reducing the library funding and wanted to know about the township's revenue. Also, he stated his concerns with the traffic issues, additional land development and Malvern Fire Company contribution.

Mrs. Hartley – expressed her frustration with the public address system from the high school stadium. Mr. Holmes stated that the township is working with the school district on this issue. She was directed to call the police if the problem recurs so that there would be a record of the problem.

Ms. Gershman – Lapp Road – has issues with the blasting from the quarry. She felt that it was disruptive. She too is concerned with land development, the budget deficit and assurances that the township is charging the developers appropriately. Discussion ensued

Kim (did not provide last name) – questioned whether the township has notified the school district with all the new development. Mr. Orlow stated that Mr. Linderman is aware of all new land development which would impact the schools.

Chris Gaswirth – Fire Chief of Malvern Fire Company – inquired whether the township would be funding a contribution to them this year. He stated that insurance companies are refusing to pay ambulance costs and this is having an impact on them. Continuing funding to

them would be greatly appreciated. After much discussion, the Board agreed to reinstate the \$6,300 funding for 2017.

Tony Defour – King Circle – asked which fire company would be a first responder to his home. He felt that support for Malvern Fire Company should be re-instated.

Bill Dwyer – stated that he attends school board meeting. His opinion is that the district feels that they are able to handle the new development.

REPORTS AND COMMUNICATIONS FROM BOARDS, COMMISSIONS AND TOWNSHIP OFFICIALS

Christina Sarrafian – Website Project - The vendor selected was CivicPlus and the launch is scheduled for end of January. Content and site design development were discussed. The current website content will be transferred in order to meet this deadline. A tag line suggested was “The Heart of the Great Valley”. A preliminary logo design has been developed.

Gary Sheridan, President of EWTFC - stated that they responded in October to 140 calls - 32 Fire and 108 EMS incidents. False alarms were 22 for the month. There was one building fire which resulted in \$6 million loss. They held a fire extinguisher training course at St. Gobain site recently.

Barbara Ann Thav – Chair, Park and Recreation – stated that they are working on defining their goals and would welcome other residents to volunteer. She provided pictures of the new area being developed in Valley Creek Park for the playground equipment. The next meeting will be held on December 6th at 7 pm.

Ginger Pohlman, Chair, EAC – they discussed the development of the Bishop Tube site located on South Malin road. At a recent meeting, there were representatives from the developer, PADEP, Scott Greenly, Constitutional Drive Partners and committee members. PADEP stated that they will excavate soil from hot spot location before construction begins. She stated that the soil removal will not eliminate the need for full site remediation and will not provide environmental closure of the site. Discussion ensued.

Bill Steele, Public Works Director - mentioned that the Flat Road sewer pipes have been installed and next week road restoration should begin. Also, manholes are being installed on Flat and Wilburdale Roads for the Wilburdale Road pump station.

Chief Dooley - stated his report has been submitted.

ACCEPTANCE OF THE TREASURER’S REPORT

Cathy Palmer, Director of Finance, provided an overview of the Executive Summary of the Treasurer’s report as of October 31, 2016. Real Estate transfer tax is at 127% of budget. Earned Income Tax is at 64% of revenue and she is projecting that there will be a shortfall in this

budget line. The building permit revenues are at 82% and mechanical and electrical permits are still lagging. Cash balances including the sewer fund, however, are at \$15 million. Mr. Orlow made a motion to accept the Treasurer's Report as of October 31, 2016. Ms. Drummond seconded and the vote was unanimous.

APPROVAL OF THE PAYMENT OF BILLS AND PAYROLL

Ms. Drummond made a motion to ratify the payment of bills as of November 9, 2016. Mr. Orlow seconded and the vote was unanimous.

PLANS

a. Resolution No. 31-2016 is for the Preliminary/Final Land Development Plan for Immaculata Student Engagement Center for a two story 14,540 building in an Institutional district. The solicitor provided an advance copy which was reviewed by the institution and they are in agreement. The applicant is seeking five waivers as follows:

1. §175-21C(6) requiring a key map at a scale of 1 inch equals 800 feet;
2. §175-23C – requiring an environmental impact assessment;
3. §175-23C – requiring a traffic impact study;
4. §170-310C6e – requiring all outlets be constructed of reinforced concrete pipes with rubber gaskets in conformance with AASHTO M170, M98 and M207;
5. §175-37F requiring a minimum diameter of storm piping to be at least 18 inches.

Mr. Orlow made a motion to approve Resolution No. 31-2016 for the Preliminary/Final Land Development Plan for Immaculata Student Engagement Center for a two story 14,540 sf building in an Institutional district. Ms. Drummond seconded and the vote was unanimous.

a. Mr. McGrory stated that the developer has signed and approved Resolution 32-2016 for the Master Plan of Great Valley Corporate Center mixed use development on the western side of Rt. 29 for 600 residential units, 820,000 sf office space, 25,000 sf of retail and 70,000 sf of hotel space. He mentioned that our ordinance speaks to the demolition of historic structures. Within this development there are structures which may be requested to be demolished. This issue has been outlined within the Resolution. The township recently enacted an Act 209 Impact Fee and the applicant's proposed traffic improvement may exceed what would be collected under this fee.

Mr. Kinglin inquired what improvements would be provided by the applicant. He was unfamiliar with this proposal. He was advised that agendas are listed on the website; and it was stated that Liberty also conducted information sessions with residents.

Ms. Hartley also inquired about the traffic study. She was concerned about the possible impact on the school district and possible re-districting. Mr. Greenly mentioned that Liberty will be installing an extensive traffic adaptive system on Route 29. Discussion ensued.

Mr. Greenly offered that the Act 209 Impact Study will review traffic within the township as a whole. This study will also enable us to review intersection and suggest

improvements. A future transportation fee will then enable the township to follow through with the improvements needed.

Ms. Drummond made a motion to approve Resolution 32-2016 for the Master Plan of Great Valley Corporate Center mixed use development on the western side of Rt. 29 for 600 residential units, 820,000 sf office space, 25,000 sf of retail and 70,000 sf of hotel space. Mr. Orlow seconded and the vote was unanimous.

b. Motion to consider approval of the Resolution No. 33-2016 for the Final Land Development Plan for Townes at Malvern for 64 units on Frame Avenue in a split R-2 and VMX Village Mixed Use. Mr. McGrory stated that the applicant agrees to accept the resolution as written.

Mr. Orlow made a motion to approve the Resolution No. 33-2016 for the Final Land Development Plan for Townes at Malvern for 64 units on Frame Avenue in a split R-2 and VMX Village Mixed Use district. Ms. Drummond seconded and the vote was unanimous.

c. Motion to consider drafting a Resolution for a Preliminary/Final Land Development & Subdivision Plans for Swedesford Square Apartments L/CAL at 50-52 Swedesford Road for 244 units in a Gateway Overlay zoning district. Ms. Yarnoff mentioned that L/COR was before the Board for Conditional Use approval for the apartments and mixed use. She mentioned that they have received approval letters from the various consultants and are willing to comply with the consultants recommendations. The property will have a trail system within the site, community center, and sidewalks along the frontage of Swedesford Road. Crosswalks will be placed at both ends of the property at Liberty Blvd and Valley Stream Pkwy. They are in ongoing discussions with SEPTA relative to locations of the bus stops.

Ms. Yarnoff said that they are requesting a waiver from §175-306E which requires .5 inches of infiltration. Due to the karst geology both Brandywine and L/COR are concerned with infiltration of the site. Mr. Becker, Township Engineer, felt that there is some ability for shallow BMP (Best Management Practices) to permit recharge but he agrees that sinkholes are possible. To date they have not provided any surface features as a possibility. L/COR did receive approval from the Chester County Conservation District and PADEP for their NPDES application. Discussion ensued.

Mr. Orlow made a motion to consider drafting a Resolution for a Preliminary/Final Land Development & Subdivision Plans for Swedesford Square Apartments L/CAL at 50-52 Swedesford Road for 244 units in a Gateway Overlay zoning district. Ms. Drummond seconded and the vote was unanimous.

NEW BUSINESS

a) Mr. Nagel provided an overview of the 2017 Preliminary budget. Budget meetings were held on October 20th and 27th and November 2nd. The final budget will be available for review and presented to the Board for approval at their meeting on December 14, 2016. The Preliminary budget shows a deficit of \$632,000 for 2017. The funds from the building projects

have not materialized as previously projected in 2016. Mr. Nagel reminded the Board that the 2016 budget started out with a deficit of \$441,270. The 2017 deficit will be funded from the Tax Stabilization Reserve of \$1,750,000. There are no scheduled tax increases for 2017.

Ms. Palmer provided the background on the Sewer Fund, Sewer Reserve and the Sewer Operating Fund. The major expenditures for the Sewer Fund are the cost of the Debt Service and Sewer Conveyance and Treatment.

Ms. Drummond made a motion to approve the 2017 Preliminary Budget as presented. Mr. Orlow seconded and the vote was unanimous.

- b. Consider Approval of Settlement Stipulation – Assessment Appeals for the following:
1. Frazer Shopping Center – 490 Lancaster Avenue
 2. Frazer Shopping Center – 480 Lancaster Avenue
 3. Paulgene Realty – 335 Lancaster Avenue
 4. Exeter – 8 Lee Boulevard.

Mr. Orlow made a motion to approve the Settlement Stipulation Assessment Appeals for Frazer Shopping Center, Paulgene Realty and Exeter. Ms. Drummond seconded and the vote was unanimous.

c. Motion to consider approval of funds for 2017 GO Wilma (Regional Recreation program). Mr. Nagel stated that this program is held in conjunction with Willistown Township Park and Recreation Board. This is an inexpensive program for children to explore outdoor activities. The Township's contribution to the program in 2016 was \$1,500.

Ms. Drummond made a motion to support the funding for 2017 GO Wilma (Regional Recreation program). Mr. Orlow seconded and the vote was unanimous.

d. Mr. Holmes made a motion to grant an extension of time for the Preliminary Plan of O'Neill/Bishop Tube property located on South Malin Road in an RRD zoning district until February 8, 2017. Mr. Orlow seconded and the vote was unanimous.

d. Mr. Holmes made a motion to grant an extension of time for the Preliminary/Final Land Development application for the LIDL Grocery Store until March 31, 2017. Ms. Drummond seconded and the vote was unanimous.

e. Mr. Holmes made a motion to advertise a public hearing to amend the current Sign Ordinance regulation. Mr. Orlow seconded and the vote was unanimous.

f. Consideration of sending the Township Solicitor to the Zoning Hearing Board for the appeal ZHB-2016-23 of Janssen Biotech's variance to permit an impervious coverage maximum of 66.76%. This is due their request to install a generator pad at the site. The Board did not authorize the Solicitor to represent them in this appeal.

Constitution Drive Partners is seeking a variance to permit single family attached dwellings & townhouses in row of more than six units in areas of steep slopes and very steep slopes. Constitution Drive Partners is the property formerly known as Bishop Tube. This is a brownfield site and was part of the discussion presented by the Environmental Advisory Council. The Environmental Advisory Council is requesting that approval be denied until the environmental issues are corrected.

Mr. Holmes made a motion to send the Township Solicitor to the Zoning Hearing Board to oppose the ZHB 2016-24 variance for Constitutional Drive Partners application for single family attached dwellings & townhouses in row of more than six units in areas of steep slopes and very steep slopes unless all environmental conditions are addressed as outlined in the report of the Environmental Advisory Council. A copy is attached hereto. Mr. Orlow seconded and the vote was unanimous.

g. Motion to award the bid for the sale of a 24' enclosed mower trailer. Mr. Steele Mentioned that this item was part of our sale of equipment offered several months ago. The original buyer renege and this item was relisted on Municibid. The amount of the bid was \$3,700. Mr. Orlow made a motion to award the bid for the 24' enclosed mower trailer in the amount of \$3,700. Ms. Drummond seconded and the vote was unanimous.

h. Motion to approve Resolution 34-2016 for the sale of the Township Garage at 158 Planebrook Road. Ms. Drummond was seconded and the vote was unanimous.

Mr. Nagle stated that the Board would now be going into an Executive Session.

ADJOURNMENT

The meeting adjourned at 10:30 pm.

Respectfully submitted,
Maureen G. Turley, Township Secretary