

Board of Supervisors
February 13, 2019
Minutes

Board members in attendance: Ms. Drummond, Chair; Mr. Lambert, Vice Chair; and Rich Orlow, member.

Staff in attendance: John Nagel, Township Manager; William Steele, Public Works Director; Cathy Kleponis, Finance Director; Steve Brown, Zoning Officer; Zach Barner, Director of Planning; Donna Wikert, Asst. to the Township Manager; Joseph McGrory, Solicitor; Chris Yeager, Chief of Police.

Action Meeting (SD):

Ms. Drummond opened the meeting at 7 p.m. with the Pledge of Allegiance.

Board Briefings:

Life Safety Commendations:

On December 12, 2018, Fire, Rescue and Emergency Medical Units were dispatched to southbound Route 202 at the Route 30 Bypass westbound ramp, East Whiteland Township for an accident with entrapment. Arriving units from East Whiteland found a large dump truck on top of a passenger vehicle with five civilians trapped inside. The dump truck driver confined to the cab of the truck.

An action plan was quickly developed, and additional resources were requested to assist. In particular, a large heavy wrecker, from Abel's Towing, was called to lift the dump truck off of the passenger vehicle, so those patients could be extricated. All crews worked safely and quickly to rescue and treat those that were injured. A thank you goes to these agencies who worked together to safely complete the complex rescue at hand. Unit citations are also being awarded to the following agencies that assisted: Malvern Fire and EMS, West Whiteland Fire Company, Goshen Fire and EMS, Paoli Fire and EMS, Uwchlan EMS, Abel's towing.

2019 Summer Camp Promotion: June 24-July 19, 2019 8:30 am to 3:30 pm, camp will be held at Charlestown Elementary School this year due to KD Markley construction. Camp will be 4 weeks and full time this year. Registration begins February 1, 2019 for residents and March 1, 2019 for Non-Residents. The cost for East Whiteland Residents is \$500 for the first child and \$475 for each additional child. Registrations for Non-Residents who attend Great Valley High School is \$575 for the first child and \$550 for each additional child. Registration can be completed online through the Township website, www.eastwhiteland.org www.myrec.com by June 1, 2019

Township Building Renovations: Mr. Nagel briefed the Board and residents on the status of upcoming renovations to the 60 year old building. He mentioned how we have outgrown this space. We have numerous employees working in the same office, making it difficult to talk on the phone and bring clients in. The Board has committed to \$800,000.00 to start phasing this project in stages. The Township is looking into renting a module unit, where Code Enforcement staff would be relocated as part of Phase I.

Board Motions & Resolutions (Consider Board Action):

Ratify Emergency Repairs to Pump Station at Great Valley Corporate Center (Workspace, 25-27 Great Valley Parkway):

Mr. Steele gave an overview of the Pump Station in the Corporate Center at 25 & 27 GV Parkway. In January of this year, a large sink hole opened and destroyed the pump station, ripping apart the piping and

rolled into the sink hole. They had contacted PECO to shut off power and do an emergency temporary fix, called a bypass pump and tied into the existing force main. We have filled in the sink hole to make it safe. Currently we will set a new wet well away from the sinkhole location. He has met with Exeter and Workspace, owners of the property, trying to get an easement straddling their property 15 ft on each side; 15'60 from each. I think we are in agreement, but the fix may happen before the agreement is signed. We will take the existing pump station equipment from Frame Avenue pump station to use as needed because it's ready and available and we can get a pump station operational. A question was asked if this is covered by insurance, Bill said the sinkhole remediation is not, but the actual pump station is; not sure if there is any value in the equipment.

Mr. Lambert made a motion to ratify the repair, Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve Purchasing Policy for Building Maintenance & Repair (Township Manager Authority up to \$5,000):

Mr. Nagel is asking the board for permission to approve any repairs for up to \$5000.00, without waiting for the next board meeting.

Mr. Orlow made a motion to approve, Mr. Lambert seconded the motion; the motion was approved 3-0.

Approve Renewal of Healthcare Plan for Police Officers & Retirees with HealthNow Administrative Services from February 2019 through January 2020:

Ms. Kleponis this renewal is before us this is less than 1% increase overall, there are no lasers attached to this, total estimate cost is \$930,000.

Mr. Lambert made a motion to approve the renewal, Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve Contaminant Testing Expenses (\$7,654.60) from Environmental Alliance for testing the water and sludge at Malvern Hunt WWTP:

Mr. Steele gave an overview on the testing for contaminates; it is for testing of the 2 lagoons, it is for testing sludge and water samples in order to decommission and its required if you sell property too. We have had interest in the property, so it would be required. We don't see any problems, but it needs to be done.

Mr. Orlow made a motion to approve the testing, Mr. Lambert seconded the motion; the motion was approved 3-0.

Motion to Advertise:

Amend Sewer Ordinance for High Capacity Customers:

Mr. Steele explained, there are 3 components to this. First change is to section 154-104 clarifying the sewer district – E - as Atwater Residential and Commercial. Second, a portion of the ordinance was removed and is being put back in. And third, mentions if you pay in full for the year, you receive a 2% discount.

Mr. Lambert made a motion to advertise amended sewer ordinance, Mr. Orlow seconded the motion; the motion was approved 3-0.

Motion to Award:

Contract for Frame Avenue Culvert Retaining Wall Replacement with Eagle Contracting Inc. (\$41,200)

Mr. Steele advertised and this was the lowest bid.

Mr. Orlow made a motion to award the project, Mr. Lambert seconded the motion; the motion was approved 3-0.

Consider Sending Township Solicitor to Zoning Hearing Board to Support/Oppose:

ZHB 2019-4 for 248 Swedesford Road. To hear the appeal of Carol Lady for a special exception to place solar panels on the roof of her single family detached home.

Mr. Brown briefed that this is a standard requirement to go before the Zoning Hearing Board in order to install solar panels. Mr. McGrory suggests that the Township advertise change to Solar Panel Ordinance. There are various requirements, however none have been turned down by the Zoning Hearing Board. He suggested eliminating special exceptions requirement, keeping all other necessary requirements in place. He also asked Steve Brown to contact Carol Lady, if she can wait till this is completed, she doesn't have to pay a fee.

Ms. Drummond made a motion to waive the fee for Solar Panel Special Exception Application. Mr. Orlow seconded the motion; motion approved. Mr. McGrory said we can't waive the ordinance because it is a Zoning Ordinance we have to wait till the amendment is passed, in the meantime residents should wait until April.

Ms. Drummond then made a motion to advertise the Solar Panel Zoning Ordinance. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Approval of Atwater Trail (Patriot's Path) Extension into Valley Creek Park:

Mr. Brown discussed the subject of Atwater Trail, the developer owes a recreation fee for all the homes in Atwater. They proposed a few years ago to build a trail to connect Patriots Path to Valley Creek Park. It has been reviewed several times by Park & Rec and The Board of Supervisors. The developer is going to pay for this and it will offset his fee, roughly \$87,000. They presented an option that meanders the trail starting at the top of the meadow on the hill side, midway to the South and hug the tree line, bringing folks down to the paved path. Park & Rec asked for an option starting at the same point but head toward the Northern side tree line. The difference in cost is significant. The Park & Rec Board questions the need for a paved trail, they believe the trail is too steep and has better view on the Northern side. After much discussion it was agreed to set a time for all parties to go walk the trail and try to come up with a consensus on a layout. No decision made on this tonight.

1. Public Hearings (JM) – None**2. Plans (ZB):**

- a) Consider Extension of Time for Board to Render a Decision for the following Developments:

[2018-12-DP](#) for "The Learning Experience" (DeVimy Equities, LLC) to April 24, 2019

Mr. Lambert made a motion to except extension. Mr. Orlow seconded the motion; the motion was approved 3-0.

- b) Consider Rendering Decision(s) for Conditional Use Applications [2018-15-CU through 2018-26-CU](#) for “Distributed Antenna System” (Crown Castle NG East, LLC)

Mr. McGrory briefed us on the 12 Conditional Use Application; 11 are acceptable and 1 is still looking for an alternate parcel 21 Moores Road. The applicant is working with CertainTeed, to try to come to an agreement. The Attorney for Crown Castle, has agreed to give an extension of time so the township can consider #18 for next month’s agenda. Currently, before the Board are 11 Conditional Use Applications to consider.

Mr. Orlow made a motion to approve the Conditional Use Applications 15 thru 17 and 19 thru 26. Mr. Lambert seconded the motion; motion approved 3-0.

- c) **Consider Resolution 21-2019 Sewage Facilities Planning Module for Great Valley Community Organization:**

Mr. Barner explained in detail the resolution. It’s basically to modify the 537 plan regarding on-lot system for GVCO, and they amended their land development application to go from public sewer to on lot private with the potential to connect to public sewer.

Mr. Lambert made a motion to approve the resolution with the conditions they satisfy all outstanding comments by Pennoni in a December 18, 2018 email. Mr. Orlow seconded the motion; the motion was approved 3-0.

3. Consent Agenda (Consider Board Action):

- a) Approve Meeting Minutes from November 5, December 12, 2018 and January 7 & 9, 2019
- b) Acceptance of the Treasurer’s Report: As of December 31, 2018
- c) Ratify Payment of Bills : Checks Totaling \$1,170,071.20 (January 2019)
- d) Accept Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2017
- e) Appoint Vicki Damiani as East Whiteland Township Representative to Malvern Library Board
- f) Approve Agreement with AQUA PA for Shutting Off Water for Delinquent Sewer Rates
- g) Approve Resolution 20-2019 Establishing Procedures for Shutting Off Water for Delinquent Sewer Fees
- h) Approve Resolution 15-2019 Adopting the Multi-Jurisdictional Hazard Mitigation Plan
- i) Approve Resolution 16-2019 Adopting the Emergency Operations Plan
- j) Approve Resolution 18-2019 Adopting the Stifel Account Designated Authorized Persons
- k) Approve Resolution 19-2019 Adopting the WSFS Account Designated Authorized Persons
- l) Approve Proposal (\$20,500) from Kapoor & Company for Labor & Economic Analytics Services
- m) Approve Keystone Purchasing Network for Cooperative Purchases
- n) Approve Proposal for Traffic Engineering Services - Sproul Road (S.R. 0352) and King Road (S.R. 2022) Improvement Feasibility Study (\$7,500; Jointly Shared by East Whiteland & East Goshen)
- o) Recognize New Commonwealth of PA Bid Thresholds for 2019

Discussion on Aqua and shutting off water for delinquent sewer bills, Mr. McGrory explained that Aqua will not shut off for hardship, and in the winter months. He also noted that when letters go out, most make arrangements for payments. Ms. Drummond added two items, Appointment of Craig Eppler to the Pension Board, three year term and extend the ARLE grant till June 30, 2019.

Mr. Orlow made a motion to accept the Consent Agenda as read by the Chair, Mr. Lambert seconded the motion; the motion was approved 3-0.

4. Announcements

- a) Executive Session(s) were held on January 30 at 5:30pm (to discuss personnel and legal matters), February 11 at 3:00pm (to discuss real estate and personnel matters) and on February 13 at 4:30pm (to discuss personnel matters).
- b) A Public Open House for the East Whiteland Train Station Feasibility Study will be held on Wednesday, February 27, 2019 from 6:00pm to 7:00pm, followed by a brief presentation during the regularly scheduled Planning Commission meeting – which will begin at 7:00pm.
- c) A Continued Public Hearing for Conditional Use Application [2018-28-CU for “Linden Hall”](#) will be held on Thursday, March 21, 2019 at 7:00pm.

5. Public Comment: General (For items not specifically listed on the Agenda)

Carol Rapp, resident from Village Way, had a question for Bill Steele, she would like to know who is responsible for the curbs, there is mud and water accumulating at her garage and down at the end of her driveway. It needs attention, the curbs are disappearing and it is not stopping the flow of excess water. Mr. Steele said he would go take a look at it, it is the Township responsibility.

6. Meeting Adjournment – 8:30 p.m.

Donna Wikert
Board Secretary