

Board of Supervisors

June 10, 2020

Minutes Virtual Zoom Meeting

Board Members Present: Scott Lambert, Chair; Rich Orlow, Vice-Chair; and Susan Drummond, Member.

Staff Present: John Nagel, Township Manager; Steve Brown, Zoning Officer; Donna Wikert, Board Secretary; Chief Yeager, and Joe McGrory, Solicitor

Mr. Lambert called the regular meeting to order at 7:15 P.M. Pledge of Allegiance

Board Briefings:

Mr. Lambert congratulated all 2020 Graduates and wished them all the best.

Mr. Orlow read a brief on two lifesaving incidents. A huge thank you to a combination of Police, EMT, and Fire, along with Malvern Medics - who on two different incidents saved the lives of two individuals. Job well done to, Police Officer TJ Ralph, Sergeant Delacruz, Officer Dougherty, Officer Pflaumer, East Whiteland Township Firefighters-EMT's Brian Garver, Raymond Stackhouse, Greg Lewis, Brian Hughes, Captain Matt Cole, along with Malvern Paramedics Rich Constantine and Mike Whisler.

Emergency Management Office is working on a new weekly report, providing information to the staff and the Board of Supervisors. This information will be passed to the residents as needed via East Whiteland Township website. It was also noted that The East Whiteland Fire and EMS staff have been operating with a full staff 24/7 since March 19, 2020.

Proposed Sewer Sale:

John Nagel gave an overview of the potential sale of the sewer system. Over the past several months the Township has been working with its financing team to explore the possibility of exiting the wastewater business and selling the Township's wastewater assets in exchange for other assets that would best benefit the community. After the initial consultation with PFM, regarding what the Township's assets could be worth to a buyer, the Township decided to move forward in the transaction process by releasing a Request for Qualifications ("RFQ") to gauge the interest in the market. On January 31, 2020 the Township released its RFQ to over 100 market participants to gauge the interest in the Township's system. In the RFQ, respondents were asked to answer questions pertaining to the capabilities and history in operating wastewater systems and their financial capabilities, along with other pertinent questions. During the interim between release of the RFQ and receiving the responses, the Township and its team conducted extensive due diligence regarding a possible transaction and began drafting the legal documents that would be required, should a transaction take place As of June 10, 2020 © PFM 5 Pre-Qualified Bidders.

On February 20th, 2020 the Township received four responses to the RFQ from the following firms:

PA American – Regulated by the PUC

Aqua – Regulated by the PUC

Bucks County Water & Sewer Authority - regulated by the PA Municipal Authorities Act

VICO –Interested in a concession lease arrangement

The Township has decided to qualify all four bidders to move forward in the due diligence process until such time that Request for Bids (“RFB”) are released or the Township, at its discretion, decides that one or more of the bidders should no longer continue on in the process.

Following the pre-qualification process the bidders will be asked to attend a management meeting and asset tour at the Township. Meetings have been tentatively scheduled for July 13th – 16th. The purpose of the management meetings is to help facilitate conversation between the Township and prospective bidders. Next update will be in September. Project continues to move forward.

Possible Use of Proceeds:

1) Debt Reduction: Paying off outstanding debt. Three different borrowings are outstanding from 2012 and 2013 and are scheduled to mature by 2038. These borrowings were authorized before the terms of the current governing body and administration.

2) Fund Additional Projects of the Township: Design and construction of a standalone police station, with secure access to Mill Lane, as well as, existing public access to Conestoga Road, including a secure area for processing arrests (sally port and restrooms), and more secure access for police officers and support personnel. Also, much needed renovations to existing municipal facility built over 60 years ago.

3) Acquisition of Open Space: Currently, public and protected land (over 650 acres) represents 9% of the Township footprint. East Whiteland is focused on preserving parcels which meet the community’s needs, through evaluation by Board of Supervisors, Township staff, Open Space Subcommittee, Natural Lands and our residents.

Complete Presentation can be found: <https://www.eastwhiteland.org/CivicAlerts.aspx?AID=409>

Scott Lambert announce Catalyst Hearings – June 23, 29 and June 30 at 5pm possibly offsite. Only parties who have entered their appearance will be allowed in the room because of social distancing requirements.

Public Hearings:

Ordinance to Amend Declaration of Trust – Pension & OPEB

Resolution to Approve Ordinance to Amend Declaration of Trust – Pension & OPEB

The Ordinance amends the pension code further defining the Pension & OPEB Board (Article I) and adding the Non-Uniform Pension Plan & OPEB Plan (Articles IV & V) to this chapter in the Code (they were set-up by resolution). The Resolution confirms the appointment of the Pension & OPEB Board and further amends the Police Pension Fund Declaration of Trust (very old document), the NU Pension Plan Restatement & the OPEB Trust Agreement.

Mr. McGrory opened the hearing by introducing exhibits 1 thru 3. Mr. Nagel briefly explained what is being recommended tonight by Cathy Kleponis; Director of Finance and Steve English from the solicitor’s office is by taking all the individual changes to how we administer Pension and OPEB and put into a compensative document, the legal term is Codifying.

Mr. McGrory closed the hearing and reconvened back to the Board meeting; this ordinance is now in position for your consideration.

Mr. Orlow made a motion to adopted Ordinance #324, along with Resolution 19-2020. Ms. Drummond seconded the motion; motion was approved 3-0.

Board Motions & Resolutions:

Motion to Advertise: Sale of Fleet Vehicles (4) on MunicBid

Ms. Drummond made a motion to advertise the sale of 4 vehicles on Municbid. Mr. Orlow seconded the motion; the motion was passed 3-0.

Motion to Award:

Award 2020 Road Paving Project to Highway Materials Inc. (\$356,320)

Ms. Drummond made a motion to award Highway Materials the 2020 Paving Project. Mr. Orlow seconded the motion; the motion was passed 3-0.

Accept Comprehensive Annual Financial Report for Fiscal Year Ended December 31, 2019.

John Nagel briefed the board, CAFR is 95% completed and the latest revision went to the Board of Supervisors. The final was completed, and the Auditors will meet with the Board of Auditors and staff June 26, 2020 at 9:00am to finalize.

Mr. Orlow made a motion to accept and approve the 12/31/19 CAFR. Ms. Drummond seconded the motion; the motion was passed 3-0.

Authorize Resolution to Allow Temporary Outdoor Seating for Restaurants for Ninety Days :

Mr. Brown explained the resolution, which allows Township staff to issue permits, at no cost, for outdoor seating at restaurants, while continuing social distancing. Public comment came in via email asking to have the Resolution amended to include daily cleanup of trash. Mr. Brown said there is not a need to do this since there is already a waste collection ordinance that takes care of this issue. For those restaurants that already had outside seating prior, they do not have to get a permit.

Ms. Drummond made a motion to authorize the Resolution 18-2020. Mr. Orlow seconded the motion; the motion was passed 3-0.

Planning & Development:

Consider request of Three Tun Developers for extension until December 31, 2020 to complete repairs and improvements to Three Tun Road and dedicate it to the Township

Mr. Brown said the applicant is asking for an extension due to the pandemic not allowing them enough time to work on the repairs as they had hoped to in Spring. Until the road is dedicated, they will do the maintenance on the road and the plowing.

Mr. Orlow made a motion to approve request to extend the dedication of Three Tun Road. Ms. Drummond seconded the motion; the motion was passed 3-0.

Public Comment: Nancy Dunbar had an email question for Chief Yeager. She wanted to know how a resident would go about getting Police Reports for area crimes such as burglaries. Chief Yeager explained that we do not publish information, but she would be welcome to complete a Right to Know form or call him directly.

Barbara Ann questioned the outdoor seating which was addressed by Mr. Brown under Boards and resolutions. She also asked what costs have accumulated regarding 8F, FEMA Covid-19 to the township. Mr. Nagel said we are still complying, and Mr. Lambert said we have till the end of summer to compile costs associated with

Covid-19. She asked if we could go back to highlighting changes on the agenda, I answered her and said yes, we would. She inquired about Township Staff asking to record a voice mail message on their work number. She also asked for an update on Covid-19 on future calls. She also expressed her concern about usage of our pavilions now that the weather is nice, and the equipment not being wiped down. She also wanted to point out many drains seem clogged with debris. When Public Works is out, could they please pick these up and clean the drains? It would spruce things up a bit and allow for better water flow during our torrential rainstorms.

Mr. Lambert thanks Barbra Ann for her comments and they will be looked into and addressed.

Consent Agenda:

Approve Meeting Minutes from May 13, 2020

Ratify Payment of Bills: \$1,496,795.22 (May 2020)

Accept Treasurer's Report: As of April 30, 2020

Approve Proposals from ARRO for Bidding Phase Services for Sewer Projects (\$21,000)

Authorize Payment of \$7,145 to Waterwheel Manufacturing, Inc. for Completed Work on Gunkle Spring Mill Water Wheel Project

Authorize Resolution to Designate Township Manager as Agent to Apply to Federal Emergency Management Agency & PA Emergency Management Agency for Emergency Funds to Reimburse COVID-19 Costs

Ms. Drummond made a motion to accept the consent agenda as read. Mr. Orlow seconded the motion; the motion was passed 3-0.

Mr. Nagel added an item to the Consent Agenda – People's Light Drive in Concerts. Steve Brown gave a brief overview. People's Light and Theater are looking for sponsors for Drive in Concerts they would like to have starting June 27, 2020, with a total of 6 concerts. There would be a per car cost and they would be given a parking spot with no one next to them, allowing for social distancing. You can sit in your car or on lawn chairs and food would be available from their restaurant. They would start off with 35 cars as a trial. People's Light is requesting \$15,000 toward the cost to do this for the entraining of our residents. Mr. Lambert said they are a Non-Profit organization and anything the Township can do to help bring social distancing entertainment to the community would be a great. Mr. Orlow asked if they would be willing to reserve spaces for the East Whiteland Township resident since we would be a sponsor.

Question came in over email – Barbara Ann Thav commented that the Summer Stage money that was already awarded. Mr. Lambert said that program was canceled with the hopes of possibly being revisited in the next few months.

Meeting Adjournment: 8:00 PM

Donna Wikert, Board Secretary