

Board of Supervisors
February 8, 2023, Minutes

Board Members Present: Scott Lambert, Chair; Rich Orlow, Vice-Chair; and Peter Fixler, Member

Staff Present: Steve Brown, Township Manager; Donna Wikert, Operations Manager, Township Secretary; Usha Hogan, Direct of Finance; Zach Barner, Director of Planning and Development; John Mateja, Zoning Enforcement Officer; John Neild, Direct of Public Work; John Nagel, Special Projects; Chris Yeager, Police Chief; Greg Lewis, Fire Chief; Bernadette Kearney, Township Solicitor.

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

Board Briefings:

Executive Session(s) were held on January 23 at 9:30am, February 1 at 1:00pm, February 8 at 5pm (legal, personnel and real estate)

Sewer Sale Update - No update

Route 30 Corridor – Mr. Lambert provided an update, February 28, 2023, is the deadline for the grant application for \$23 million. Brian DiBiase from McMahon gave an update on the status of the project. The design of the road is being worked on. The schedule has also been updated that the start date of construction would be the end of 2026, now we are looking at the end of 2027 with completion more like 2030. The cost has come down because we received some grant money from the state.

Mr. Fixler made a motion that the Municipality of East Whiteland Township, Chester County approve the following application for Chester County Municipal Grant Program Assistance Federal RAISE grant for the sum of \$23,377,461. Mr. Orlow seconded the motion; the motion was approved 3-0. Mr. Orlow clarified this is the application we are applying for in Federal funds not withstanding that the 2027 number says almost 33 million. Mr. Lambert said that is correct.

<u>Total Project Costs (*Assumes 4%/year Inflation)</u>	2023	2027*
ENGINEERING	\$3,160,000	\$3,696,753.05
ROW	\$2,712,840	\$3,173,639.10
UTILITY	\$2,328,000	\$2,723,430.73
CONSTR & INSPECT	\$19,938,100	\$23,324,756.9
	6	
TOTAL	\$28,138,940	\$32,918,580

Campus Master Plan – Ray Orehowsky from Gorski Engineering gave an update on the work that has and is being done over the last few months. HVAC upgrades are nearly completed. We are also working on procurement of materials for the security updates on the lobby. Mr. Nagel said Gorski has put together a quote on the comfort station. Ray gave an update on the comfort station. New structure, women and men’s room and changing station.

Total cost without the site work is roughly \$579,000. This includes all engineering and design drawings. Mr. Orlow asked once this is constructed who is going to own this, and who is going to maintain and clean it. Mr. Nagel said it has not yet been decided. Mr. Orlow said it will be the County, Mr. Nagel said yes it will.

Debra Mobile asked why does it have to be so big, a half a million dollars for a bathroom. Why do we have to have separate men's and women. Why can't we have family restrooms? Just because the grants are out there doesn't mean we have to buy into everything, she thinks this is a great idea, but is asking if every township is putting comfort stations up and if not, why do we have to. Do we have to spend half a million dollars on a bathroom?

Mr. Nagel said this is a standard size restroom, we are not building anything out of the ordinary based on the research that has been done; this has been thought through and this is the consensus we came to with the County. Mr. Lambert said, Debra, these are great questions, and it has given the Board something to think about.

202 Billboard Update – All of the code items have been satisfied and there are some site and erosion control permits related to the project that need addressed before the sign can function. They still need to reestablish ground cover over the rock instruction and the access and service driveway. Insulation of landscaping and additional tree planting. Installation of deer protection fencing. Removal of existing invasive species that need to be removed.

Mr. Lambert announced that we are accepting applications for the following Boards - Environmental Advisory Council 3 Year Term (2 Openings) and Pension Board 3 Year Term (1 opening)

Board Motions & Resolutions:

Approve purchase of 2023 Chevrolet Tahoe from Whitmoyer Auto group for \$44,000 without upfit, we are hoping to get the upfit somewhere between \$4000-\$8000.

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

Resolution 2023-14 for Life Safety Program – Chief Lewis updated the Board on the Life Safety Program of the Commercial properties. This was discussed in length last month, the program will be geared toward Business owners, making it safer for not only the owners but the firefighters.

Mr. Orlow made a motion to approve, he asked the Chief if this will be done with the understanding the owner has a reasonable amount of time to handle the repair. Chief Lewis said yes. Mr. Fixler seconded the motion; the motion was approved 3-0.

Ratify job offers to Paul Brown and Kevin Hare as Part-time Firefighters/Emergency Medical Technicians

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

Consider modified storm water management proposal for 380 & 400 Three Tun Road (Al Vennettilli)

Al Vennettilli explained the two proposals by ARRO for the existing stormwater on three-ton road. This has been an existing issue since the eighty's or ninety's, the culvert was constructed by the railroad. This project among five other projects have been identified and have been in the budget since 2022.

Option #1 380 Three Tun Rd – Drainage Area Study Scope of Services

1. Perform GIS level survey to determine general drainage area, soils, and ground cover. Y
2. Delineate the entire drainage area to Railroad Crossing Culvert south of 380 Three Tun Rd.
3. Locate potential BMP locations to reduce runoff volume and peak rate.
4. Delineate the drainage area and perform preliminary runoff calculations for any potential BMPs.
5. Prepare a letter report summarizing the drainage area, potential BMP sites, their potential volume/rate reduction, and based on engineering judgment, prioritize the BMP's.
6. Attend one (1) meeting with Township representatives to review preliminary findings.

Estimated Cost for Design Services - \$4,000

Kate Stauffer is concerned about the way we take down trees, and put-up buildings, prior to these buildings the water was not an issue.

Al said by today's standard you would need to infiltrate and slow the rate down. Mr. Fixler said we have a lot of water shooting down the hill and the owners are concerned the erosion happening from all that.

Option #2

380 Three Tun Rd – Channel Restoration Scope of Services

1. Design and prepare a plan of the proposed SWM system in accordance with applicable municipal, state, and Federal regulations in effect at the time of the erosion and sediment (E&S) plan preparation and in accordance with sound engineering and planning principles. Site plan to consist of a cover sheet, plan sheet with notes and details and E&S sheet with notes and details. Site plan will be prepared on ARRO's standard 24-inch by 36-inch sheets using AutoCAD in accordance with ARRO's standard CADD protocol.
2. Develop hydrology model of lined channel and sediment removal system between 380 Three Tun Road and 400 Three Tun Road to define existing swale flow volume and associated velocity. This Agreement assumes that the total drainage to the swale is less than 100 acres and is exempt from permitting through DEP or Army Corp.
3. Specify E&S controls.
4. Develop operation and maintenance program.
5. Provide two (2) paper copies and in pdf format of final construction plans to OWNER.

Estimated Cost for Design Services - \$8,000

Mr. Brown said he thinks the best option is #2 the \$8000 option to address the sediment and work on the channel. Mr. Orlow mentioned if we don't dedicate the road then it's the owner's responsibility to clean out perpetual right. Mr. Scheibe owns 380 Three Ton Road, he had 36 areas of water has come rushing

onto his property, we are one or two storms away from this culvert being eroded and our buildings being flooding out. Mr. Scheibe has agreed along with 400 Three Ton Road to contribute toward the issue.

Mr. Orlow made a motion to choose option 2 to design construction plans to channel restoration on 380 Three Ton Road. Mr. Fixler seconded the motion; the motion was approved 3-0.

Approve Revised Options for Township Short & Intermediate Term Investments :

Mr. Nagel said we have been looking into opportunities to increase our investments. He is recommending that the sewer sale money be invested through PFM and the product they have PLIGIT reserve. Take half of the proceeds and invest for 90 days, the other half invest in 6 months. This will give us time to look at our long-term investment policy. We also have most of our money in operating funds with Key Bank and we recommend taking a quarter of those funds and investing similarly in the Treasury and Federal Government agency for 90 days and 25% for 180 days. We still don't have any recommendation for the money they are holding, we are working with Key Bank compensating balances. Mr. Nagel recommends we assign to the Pension and OPEB committee almost \$75million dollars and have them look and see what they recommend and establish an investment policy. The Board agreed. No decisions will be made until it is in front of the Pension Board. Mr. Lambert made a motion to put half in the initial 3 months Treasury Bonds and the remaining into the 30 days. Mr. Nagel said half in 30 and half in 90. Mr. Fixler seconded that motion; the motion was approved 3-0.

Approve Purchases for Public Works 2023 Trucks

Replace unit 311 Ford F-350 - \$73,936.00

Replace unit 320 Ford F-550- \$108,248.00

Replace unit 321 Ford F-550 - \$108,248.00

Replace unit 403 Ford F-550- \$75,124.00

Replace unit 302 Mack GR42FR - \$210,273.00

Mr. Neild mentioned that the Trucks were all budgeted for in 2022.

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

Motion to Award:

Rt 29/ Rt 30 Island Beautification Project – Mr. Neild said we received seven bids. Mr. Neild asked the board to award to Albert Cippoloni & Sons. Mr. Lambert said he goes with the suggestion of pavers verses stamped concrete; the board agrees. Mr. Fixler made a motion to approve for the price of \$113,588.65 Mr. Orlow seconded the motion; the motion was approved 3-0. Mr. Lambert also mentioned we are looking into sign structures for the Township.

Motion to Advertise:

2023 Road Paving Project

Approval to Advertise Equipment for Sale on Municibid

- 1 – 75 KW Generator
- 1 – 85 KW Generator
- 1 – aluminum ramp (from old modular building)
- 1 – sewer camera and related equipment
- 1 – prefabricated concrete building (old pump station)

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

Planning & Development:

Consider Authorizing Solicitor to Draft a Resolution for the following Development Applications:
LD-12-2021 for Preliminary / Final Land Development Application for 9 Malin Road Office / Flex Building

Mr. Barner said these two projects were discussed in December. The Township has since received Phase 1 Environmental Reports for both properties. The reports concluded that there is no cause to believe there is any environmental contamination on these sites from Bishop Tube. There was a site meeting with the Applicants engineer and Mr. Barner and Mr. Lambert to review the site work and proposed tree removal.

Scott Deisher explained that, for 9 Malin Road, the applicant is proposing a 6,000 sq foot building and a shed. The existing site is mostly wooded. The applicant obtained conditional use approvals, received variances from the ZHB, and have received a recommendation for preliminary / final approval from the Planning Commission. Mr. Deisher believes that all remaining comments are non-substantive clean up items.

Mr. Deisher reviewed the proposed tree removal and landscaping. A waiver is not required for tree removal on 9 Malin Road (only on 10 Malin Road). Mr. Barner explained the submission requirements and code language regarding tree surveys and tree removal.

Mr. Deisher reviewed the requested waivers contain in the October letter from the Applicant's Engineer:
https://www.eastwhiteland.org/DocumentCenter/View/3154/7bi_9_2022-1006-Waiver-Request-Letter

Sara Caspar asked for the location on the map of Little Valley Creek. She asked if it was sampled for Perfluoroalkyl and Polyfluoroalkyl. She stated that until (DEP or the Applicant?) produces a plan that is workable that remediates the site, nothing can be done. The forever chemicals were being dumped everywhere and were never sampled until 2021. Ms. Caspar is concerned that the chemicals could make their way into the groundwater or become airborne. The more you can encourage DEP, the better.

Kathleen Stauffer questioned whether DEP had looked at the site? Mr. Barner advised that the Township reviewed documentation available through DEP, our consultant and prior consultants did not believe there was evidence of activities. We have three different environment consultants saying there is no anticipated impacts from the surrounding activities.

LD-02-2022 for Preliminary / Final Land Development Application for 10 Malin Road Office / Flex Building

Scott Deisher provided an update on this site. There are still two outstanding items: the tree removal waiver and the environmental questions raised at previous meetings. Mr. Lambert's concern is with granting waiver related to tree removal. The conditional use materials proposed that only 15 trees would be cut down. Mr. Deisher advised that the tree survey was based on previous data, and that the tree survey was updated as part of the land development submission. Mr. Deisher advised that he has provided trees throughout the site where feasible. Mr. Barner said they have met the other ordinance requirements and they have met the replacement requirements for the trees that are proposed for removal. There was a discussion of which trees would need to be removed from 10 Malin Road in order to construct the improvements necessary for 9 Malin Road since the site access is shared.

Mr. Lambert said another concern is along Malin Road. There is a jug handle that sticks out with two large trees. He does not see either tree shown on the plans as being removed. Scott Deisher said its on 10 Malin property and they to take one or both trees down to construct the road. He would need to confirm, but would revise the plans and add trees to account for any additional removal.

Mr. Colagreco attempted to clarify the situation. He advised that he does not represent the purchaser of 9 Malin, however, he said that there is no permutation of what we discussed that would negatively impact 9 Malin. 10 Malin has the waiver relief, not lot 9. 10 Malin still needs attention, but lot 9 is ready to move forward. If the tree waiver is not forth coming and there is no way around it, then that project is dead. The Applicant for 10 Malin is in "need to know mode" so they can determine whether to move forward.

Kate Stauffer stated that she feels the two site are intertwined and that there is a need for DEP to still look at that site.

Mr. Fixler said there due diligence has been done by the property owner, and the Township, but we cannot further request the property owner to continue investigating they have done everything they are required to do. Mr. Fixler shares her concern but there is nothing else required by the property owner.

Mr. Fixer made a motion to authorize the Solicitor to draft a resolution for 9 Malin Road. Mr. Orlow seconded the motion; the motion was approved 3-0.

Mr. Orlow made a motion after discussion with the Board they are inclined to not grant the waiver and suggest that the Applicant perform additional analysis. Mr. Fixler seconded the motion; the motion was approved 3-0.

Mr. Barner said on 10 Malin Road if you decide to come back to the Board we would need an extension to carry it forward to a future meeting. Scott Deisher said they aren't sure at this point what they will do.

Mr. Orlow asked Mr. Colagreco, since we declined to grant the waiver requested, do we need to make a formal motion.? Mr. Colagreco asked that the Board clarify that they were not denying the plan. The Applicant would like to keep the plan out there.

Mr. Fixler seconded the motion; the motion was approved 3-0.

Consider Extension of Time to Render a Decision on the Following [Development Applications](#):

LD-08-2022 for Shouldice Hernia Repair – extension to April 30, 2023

LD-12-2022 for 280 Great Valley Parkway – extension to April 30, 2023

LD-12-2021 for 9 Malin Road - extension to March 31, 2023

LD-02-2022 for 10 Malin Road – extension to March 31, 2023

Mr. Orlow made a motion to extend all the above extensions. Mr. Fixler seconded the motion; the motion was approved 3-0.

Mr. Orlow made a motion to amend the agenda to add:

LD-12-2021 for 9 Malin Road - extension to March 31, 2023

LD-02-2022 for 10 Malin Road – extension to March 31, 2023

Mr. Fixler seconded that amendment; the motion was approved 3-0.

Ratify Advertising for Public Hearing on March 8, 2023, related to Zoning Map Amendments for the Following Properties:

164 Conestoga Road (Parcel 42-4-42.2) from OS (Open Space) to PO (Professional Office)

800 Swedesford Road (Parcel 42-3-127) from R-2 (Residential) to OS (Open Space)

Ms. Kearney provided an overview of the proposed zoning map amendment.

Mr. Fixler made a motion to advertise relating to Zoning Mapp amendments. Mr. Orlow seconded the motion; the motion was approved 3-0.

Mr. Lutz asked the Board to explain why the zoning would be changed for the Conestoga Road property. He added that the site is near the existing billboard. Now we are taking property and rezoning to Professional Office category where another billboard would be allowed. He also asked how the environmental testing authorized by the Township is related to the proposed rezoning.

Mr. Barner said the landowner approached the Township suggested he would be willing to convey those properties to the Township. As part its due diligence, the Township performed environmental testing. Separately, the property owner has expressed concern that the property was zoned to open space in the past.

Mr. Lutz does not agree with the logic here. The reality is that it was zoned for years as open space. Ms. Kearney said she has pointed out other properties that should be corrected on the zoning map. Mr. Lutz said if it is zoned to PO, he suggested a covenant be put in place as the one was for the billboard property. Mr. Lutz said many residents are not aware of this; how will they be notified? Ms. Kearney said they were thinking about notifying anyone within 250 feet.

Consider Final Release of Financial Security for the Following Developments:

Great Valley Crossing on Church Road (Toll PA XV, L.P.) in the amount of \$285,030.23 (Bond)

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

Presentation by Tom Bentley for Redevelopment Proposal at 310 Lancaster Avenue

[https://www.eastwhiteland.org/DocumentCenter/View/3155/7f Bentley-Combined SMALL](https://www.eastwhiteland.org/DocumentCenter/View/3155/7f_Bentley-Combined_SMALL)

Mr. Bentley gave an overview of his plan for apartments at 310 Lancaster Avenue. He thought it was zoned for apartments and found out it is not zoned for apartments. Mr. Lambert asked how many apartments are being proposed, Mr. Bentley said 240. They consist of what we call one bedroom; studios and two bedrooms.

Mr. Orlow said it was favorably received by the Planning Commission. The parking would be in the back 30 ft back from the right of way. The amenities would be gym, swimming pool, and dog run. Mr. Bentley would like to see the Historic home become a coffee shop. The price range would be the studio \$1500 and two bedrooms \$1800-\$2400. Mr. Orlow asked if a draft ordinance amendment was prepared by anyone. Mr. Bentley said yes Lou Colagreco has.

Debra Mobile concern is the steep slope.

Zoning: Mr. Mateja said this is off the agenda for tonight. (last minute notice)

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

ZHB-08-2022 for Application of 70-72 Lancaster Pike Irrevocable Trust at 14 E. Lancaster Avenue for a use variance from Section 200-30 to use the property as a commercial parking lot for short-long term parking of vehicles, as well as staging and storage of materials and equipment. The property is within the FC Zoning District.

Updates regarding Current Code Enforcement and Property Maintenance Matters

The Pioneer gas station is meeting with DEP and waiting for the go ahead to get the place repaired and opened back up.

Mr. Fixler asked to go back to Mr. Bentley, he wanted to voice his vision of the property, it is for potential commercial use. Mr. Fixler feels it should remain commercial. He also feels it will never be a main street like Phoenixville, Wayne, or Bryn Mawr; it just doesn't have connectivity.

Public Comment:

Ms. Mobile was wondering if the consultants would review the latest DEP proposal. And will they be presenting this to all the residents? Mr. Brown said he will check and yes, they will be presenting their findings. Mr. Brown said he has had discussions with Rob Fogle and expressed the concern of the residents and making it a meeting format not hearing format.

Keith Walsh, GVCO wanted to give an update on the Community Center, its moving forward. Last year they received \$1.35 million dollars from the State. They have raised \$2.6 million from private donors. He is asking the Board for financial assistance. They have received help from Willistown and Charlestown Township. They are hoping the Townships will all kick in collectively spread over multiple years \$1.35 million dollars. Our program is for the district we are looking to service the residents in the three townships and the borough. Mr. Lambert said it is a great program, it is a sizable commitment, and we need to discuss this in more detail.

Consent Agenda:

Approve Meeting Minutes from January 11, 2023

Ratify Payment of Bills \$2,506,957.65 (December 2022)

Accept Treasurer's Report as of January 2023

Accept 2023 Summer Camp fees and scholarships

Approve Chester County Municipal Grant Program contract extensions for the following properties –
Balderston & Springridge extension to April 3, 2024 and Bacton Hill Park extension to October 14, 2023

Approve Delta Development agreement extension.

Approve PowerDMS software purchase for Fire & Emergency Services Department (\$7,233)

Approve Application for a Chester County Preservation Partnership Program Grant (\$250,000 Max;
Deadline February 28, 2023) Resolution 2023-15 for Comfort Stations at Intersection of Chester County
Trail and Mill Lane

Approve Conceptual Design & Cost Estimate (\$579,451) for Comfort Station at Intersection of Chester
County Trail and Mill Lane (JN & Ray Orehowsky)

Approve purchase of a multipurpose Ventrac tractor with attachments (mower deck, power broom, snow
plow) \$56,266.55 from Power Pro Equipment (Costars)

Mr. Orlow made a motion to approve as read. Mr. Fixler seconded the motion; the motion was approved
3-0.

Meeting Adjournment – 11:30pm**Donna Wikert, Board Secretary**