

**Board of Supervisors**  
**March 9, 2022**

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

Staff Present: John Nagel, Township Manager; Steve Brown, Assistant Township Manager; Donna Wikert, Board Secretary; John Neild, Direct of Public Work; Zach Barner, Director of Planning and Development; Ted Locker, Zoning Officer; Chris Yeager, Police Chief; Steve Anella and Bernadette Kearney from HRMML

Mr. Lambert called the meeting to order at 7:15 p.m.  
Pledge of Allegiance

**Board Briefings**

Executive Session(s) No Executive meeting held.

Accept Retirement Notice from Township Solicitor Joe McGrory – Mr. Lambert praised

Mr. McGrory on his expertise with Municipal Law and thanked Mr. McGrory for the past seven years of service. Mr. Lambert said Mr. McGrory will stay on with the township for three major projects until they are completed. Mr. Nagel and Mr. Orlow also thanked Mr. McGrory and wished him the best.

Moment of Silence for Ukraine – Mr. Lambert asked for a moment of silence for the lives lost and asked us all to hope for peace.

Adopt Public Meeting Rules – Mr. Orlow made a motion to accept the public meeting rules. Mr. Fixler seconded the motion; the motion passed unanimously.

<https://www.eastwhiteland.org/DocumentCenter/View/2483/East-Whiteland-Township-Public-Meeting-Rules---Adopted-March-9-2022>

A question came up regarding the legality of not allowing nonresidents to speak at a township public meeting. Ms. Kearney, said to exercise with discretion.

Mr. Lambert announced the Workshop Session of the Board of Supervisors on March 16, 2022, at 7pm (Confirmed) to Discuss Residential Zoning Considerations for the Route 30 Corridor.

Sewer System Sale – Briefing PAPUC Docket No. A-2021-3026132 - Application of Aqua Pennsylvania Wastewater, Inc. - East Whiteland Township. Public Input Hearing before Judge Marta Guhl to be held on Tuesday, March 22, 2022, and Evidentiary Hearing be held on Thursday, March 31, 2022, and Friday, April 1, 2022.

Mr. Orlow asked if they accept public comment. Mr. Nagel said yes, they have already been submitted in advance.

Campus Master Plan – Timeline – Mr. Nagel stated we are moving forward on the Campus Master Plan and the New Police Station. This timeline is posted on the website. Link is below.

<https://www.eastwhiteland.org/471/Campus-Master-Plan---Timeline>

CU-03-2022 for Great Valley School District Outdoor Recreation – Conditional Use Application to allow both passive and active recreation facilities in a residential zoning district. The plan proposes outdoor play areas, relocated garden/greenhouse facilities, and a multi-use recreational trail adjacent to the existing KD Markley Elementary School and proposed 5/6th Grade Center. The property, located at 348 Swedesford Road, is within the R-1 (Residential) Zoning District.

Ms. Bernadette Kearney, solicitor for the township, opened the Condition Use Hearing to the Public.

Full details of the hearing are contained with the transcript prepared by a court reporter. The transcript is available to view at the Township Building.

### **Board Motions & Resolutions:**

#### **Discuss Solutions for Heating, Ventilation & Air Conditioning Improvements to Municipal Building**

Jerry Gorski of Gorski Engineering gave a presentation of the proposed HVAC improvements. Here are the 2 Options he presented to the Board.

**OPTION 1:** Replace in Kind • 11 separate systems • 6 systems with fresh air • Heat from oil fired boilers • Efficiency rating 14 SEER • Not delivering great comfort • Difficult to reconfigure ductwork and air handling equipment during renovation • Cost \$808,886 through SJ Thomas Keystone Purchasing Network • Estimated \$500,000 range through Sourcewell

**OPTION 2:** Variable Refrigerant Flow System • Integrated equipment including continuous and fresh air • Heat from phase change of refrigerant, electrically powered pumps • Efficiency rating 20 SEER • Electric produced from solar panels can power system • Easy to rework refrigerant lines and move cassettes during renovation • Estimated cost through Sourcewell \$800,000 range • \*Design required for final pricing

Mr. Orlow made a motion to accept Option 2. Mr. Fixler seconded the motion the motion was approved 3-0.

#### **Authorize Priority Stormwater Management Projects for ARRO to Provide Design Proposals**

Mr. Brown gave a overview on the storm management project. As the Board is aware, the township experienced several flooding issues due to storm water after a heavy rain. In September 2021, Hurricane Ida brought this issue to the forefront. We had several residents reach out to us concerning flooding and storm water damage. The Township engineer and staff identified 25 properties that had significant damage, from flooding and storm water. We decided to pick the highest damaged properties or those that are structurally damaged. We are requesting ARRO to provide a proposal to study the following properties: 57 Spring Road (stream erosion getting close to the home and exposed sewer manhole), Warren Avenue (culvert), Ravine Road structural problem on the street, Down East Park entrance, Hillbrooke neighborhood , Barbara Drive, 7 Elk Drive (house floods), and 383 Ton Road.

Mr. Lambert asked about the cost. Mr. Brown stated \$20,000 has been allowed for each location. This is just an estimate; the final cost could be higher. The Township budgeted \$120,000 to study storm water and damage.

Mr. Orlow made a motion to direct ARRO to prepare proposal for the study area indicated on the list. Mr. Fixler seconded the motion; the motion was approved 3-0.

Approve Agility & Writing Testing for Firefighter & Emergency Medical Technician Candidates from Bucks County Community College (Doylestown Campus) for \$3,500

Mr. Fixler made a motion to approve the Agility & Writing testing for the Firefighters and EMC. Mr. Orlow seconded the motion; the motion was approved 3-0.

Authorize ARRO's to begin Design, Permitting, Plans and bidding services for the Island Beautification at Rt 29 and Rt 30. (\$15,000)"

Mr. Orlow made a motion to authorize ARRO to begin design. Mr. Fixler seconded the motion; the motion was approved 3-0.

Authorize ARRO to Begin Design, Permitting, Plans & Construction Manual for the Warren Avenue Culvert Replacement Project (\$30,000 for 2022; Bidding & Construction Services \$10,000 for 2023)

Mr. Fixler made a motion to authorize ARRO to begin design. Mr. Orlow seconded the motion; the motion was approved 3-0

Revoke the Purchase of Two 2022 Dodge Durango Police Vehicles from New Holland \$39,413

Approve Purchase of Two 2022 Chevrolet Tahoe Police Vehicles from GM Whitmoyer Auto Group \$42,000

Mr. Orlow made a motion to revoke the purchase of (2) 2022 Dodge Durang Police Vehicles and approve the purchase of (2) 2022 Chevrolet Tahoe Police Vehicles. Mr. Lambert seconded the motion; the motion was approved 3-0.

**Motion to Advertise:**

Consider Rescheduling April 13 Regular Board Meeting to Tuesday April 5

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

Municibid – Sale of 2012 Ford Escape

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

Park, Recreation & Open Space Plan – Authorize Public Hearing and Adoption Process

Mr. Brown compared the current plan with the 2015 Park & Recreation plan amendment. The requested action plan is to move forward on May 11, 2022, as public hearing date.

Mr. Orlow made a motion to advertise. 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-07-2021 for Great Valley School District 5/6 Grade Center (Great Valley School District) – Final Subdivision & Land Development application to construct a new 172,000 square foot 5th and 6th Grade School. The property, located at 354 Swedesford Road, is within the NS (Neighborhood School) and OS

Chris Jensen, Engineer for the School District, provided an update on the project. Following Preliminary approval, the District submitted Final plans. The plans were recommended for approval at the February Planning Commission meeting. Below is a summary of the discussion:

Mr. Orlow asked for an update on the proposed bell schedule separation between the two schools. Mr. Jensen advised that the schools will operate on separate schedules to allow sufficient time for buses to complete their routes throughout the District between the various schools. This will also minimize impact on the surrounding roadways, intersections, and entrances. The District has provided a draft condition of approval for consideration which would require a minimum of a thirty minute separation between the two bell schedules. The condition has been reviewed preliminarily by the Township. The District anticipates a wider separation of time between the two bells (likely closer to an hour) but is reluctant to commit to a longer minimum based on operational considerations and the potential need to modify the schedules in the future.

Mr. Fixler asked for clarification regarding the proposed grades along the Church Road and the ability to construct a sidewalk from Church Road to the building. Mr. Jensen advised that the existing elevations and required grading do make the slope of the sidewalk challenging. The plans have been revised to now include this sidewalk connection, which would require a set of stairs. The sidewalk may not be fully ADA compliant. The District is requesting that construction of this sidewalk be deferred along with the other sidewalks along the road frontages.

Mr. Lambert raised concern over the removal of the mature trees along the property line with the adjacent residentially zoned property to the east, which is subject of the conditional use application for expanded recreational facilities. Mr. Jensen advised that the District is proposing to remove 21 mature trees, and will be replanting with replanting 37 total replacement trees in this same location. These trees are proposed to be removed in order to regrade the stormwater swale and install the proposed stormwater basin.

The District is meeting the full replacement tree requirements, but is requesting a waiver to allow removal of more than the permitted 20% of trees larger than 12" and to plant a smaller diameter tree within the basin property across Swedesford Road.

Mr. Fixler asked if the conditional use application were to be approved, would the trail and swale be relocated and enable the District to retain additional trees? Mr. Jensen advised that the District's intent would be to remove these trees, and perhaps additional trees on the adjacent property, to create adequate

sightlines across property so that the fields are visible for safety reasons. The proposed grading of the field and swale also impacts the ability to save a number of the trees. Mr. Jensen advised that these trees were likely planted to buffer this adjacent property as part of the initial land development plan for the KD Markley school.

Mr. Jensen provided an overview of the grading required to accommodate the upgraded swale to convey stormwater across the property. The swale is still fairly gradual in terms of slope, but is proposed for widening to convey additional water over what can be conveyed by the current swale. The swale will remain in its existing location to avoid impact to existing fire access roads and proposed/modified playfields.

Mr. McGrory asked if the swale could be made more deep and narrow to limit impact on trees. Mr. Jensen advised that this could create more of a safety issue for the students and also increase velocity of the stormwater. Mr. Jensen stated that decreasing the width would still result in impacts to the trees and their root systems.

Mr. McGrory suggested that construction of the trail could be deferred until later in the site development process to allow the conditional use process to play out.

Mr. Orlow suggested that an effort could be made to retain some additional trees along this shared property line, either as part of the land development plan or in combination with the conditional use process.

A resident asked for clarification regarding the final location of the trail. Ms. Kearney advised that the trail will most likely be relocated further to the east as part of the proposed conditional use application, if approved.

It was noted that the District is proposing electronic signs for the property. Mr. Barner suggested that the District could be asked to sign the Township's electronic sign agreement which applies additional requirements above and beyond the current ordinance requirements.

Mr. Barner advised that the District has provided updated traffic counts to compare against the previous traffic counts that were prepared prior to COVID. The news counts show that the proposed traffic signal may not be warranted. The signal and other improvements (such as sight distances and signage) will be subject to review and approval by PennDOT.

Mr. Lambert suggested that a motion be made to allow the engineers to review the swale design to see whether additional trees could be retained.

Mr. Fixler advised that he was not in agreement with the suggested approach and would prefer to make a motion to allow the plan to move forward as currently designed.

Mr. Orlow made a motion to authorize Township Staff and Solicitor to draft an approval resolution, including approval of the requested waivers, satisfaction of the outstanding review comments, and with the condition that the District endeavor to retain at least five (5) trees along the shared property line near the Swedesford Road frontage of the property. Mr. Fixler seconded the motion; the motion was approved 3-0.

### **Zoning:**

Property Maintenance Codes – Recent Activity

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

ZHB 2-2022 — Application of 10 Malin Road Associates, Inc. for variances from Section 20042, Attachment 9 for a side yard setback of 35 feet, where 75 feet is required and for a driveway setback of 20 feet where 100 feet is required. A variance to allow a building setback of 142 feet where 200 feet is required. A variance to allow maximum impervious coverage of 57.5% where 50% is permitted. A variance to allow parking and interior roadway setback of 10 feet where 20 feet is required. A variance from Section 200-70 to allow parking at the ratio of 1 space per 1000 square feet of warehouse space as opposed to 1 space per 250 square feet of space, as required. A variance from Section 200-62 for relief of the buffer requirement along the existing driveway and Sunoco Pipeline right of way. Several of the requested variances were granted in a decision of July 25, 2011. The subject property is located at 10 Malin Road, Malvern, and within the Industrial Zoning District.

No need to send the solicitor.

**Public Comment: General**

No public comment

**Consent Agenda:**

Approve Meeting Minutes from February 9, 2022

Ratify Payment of Bills: \$627,719.61 (January 2022)

Accept Treasurer's Report as of January 31, 2020

Approve Quote from L3Harris for Portable Radios (6) for Life Safety (\$20,416)

Approve Grant Contract Extensions from Chester County for Springridge and Balderston Properties

Approve Final Invoice (\$23,768; \$62,000 Total Spent; \$50,000 Grant Reimbursable) from

BSTI for Bishop Tube Due to Extensive Comments to PA DEP

Reaffirm 2022 Budget for Summer Concerts (\$35,000)

Approve Reimbursement of Expenses for Hurricane Ida for Federal Disaster Assistance Program

Discuss Request from Park & Recreation Board for Additional Scholarship(s) for 2022 Summer Camp - from \$500 to \$2,000

Approve Exoneration of Uncollectable Real Estate Property Taxes – Mobile Homes Removed or Inactivated and Annexed to Another Parcel (\$64.04; 3 Properties; Tax Years 2017-20)

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

**Meeting Adjournment 9:40PM**

**Donna Wikert**

**Board Secretary**

The following comment came in to the Public Comment mailbox and was not read at the meeting, due to technical difficulties.

**Regarding -LD-07-2021 for Great Valley School District 5/6 Grade Center (Great Valley School District) - Final Subdivision & Land Development application to construct a new 172,000 square foot 5th and 6th Grade School. The property, located at 354 Swedesford Road, is within the NS (Neighborhood School) and OS (Open Space) Zoning Districts.**

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I am writing regarding the above plan on the part of the school district. I object to the proposed removal of 21 mature trees on the 348 Swedesford Rd GVSD property. As I understand it, they wish to remove either 21 or 23 mature trees in good health.

I am an avid gardener, with a high degree of plant knowledge who also lives on a deeply wooded property. Those trees in question at this GVSD property are 14 - 18 calipers.

To give you an idea of what caliper means, please consider the following: Arborists measure tree calipers at chest height to compare mature, established trees. This measurement is generally made 4 1/2 to 5 feet above the soil line. Once a tree's caliper exceeds 4 inches, the tree is measured at a height of 12 inches. Trees grow at different rates - a slow-growing tree might not reach a 3 inch caliper for 15 years, and have an overall height of around 10 feet and a 6-foot spread. By contrast, a fast-growing species may have a 3 inch caliper after only five years. It depends upon the tree.

These trees at this location given the caliper sizes are all close to, if not all heritage trees. You can't just take them down and say "oh well". If they have written reports from a licensed and experienced arborist (not just some tree cutter) saying some should be taken out due to disease and defect, that I understand. No one took care of our trees for over 60 years until we moved to East Whiteland, so I get tree care is a responsibility. I know because we tend to our trees every year. Spring and fall trimming, and a plant health schedule. Plant health involves inoculating trees, biologic fungicide drenches, directed trunk spray for spotted lantern fly. I value my trees and we go out of our way to care for them. They add value to our neighborhood and property.

We have a responsibility to our landscape and environment, so nothing we choose on our property to do is done lightly. But we know we can't just replace mature and gorgeous trees. And if we clear cut a bunch of trees, it would drastically change the environment and ecological balance in the area. It affects the wildlife like our songbirds, hawks, and even the bald eagles which call our area home. It affects all other woodland creatures whose environment we have all but destroyed in places for various reasons of the man-made kind of problems. Also to be considered is the fact that trees and their leaves via photosynthesis, pull

in carbon dioxide and water and use the energy of the sun to convert this into chemical compounds such as sugars that feed the tree. But as a by-product of that chemical reaction oxygen is produced and released by the tree.

This area on Swedesford is lovely. The school district should not just be able to denude and destroy this area. It's not just their area, ecosystem, environment. They also have neighbors to consider. Mature swaths of trees like that are an asset to any community. Naked acres are not. Do not let them dramatically alter the ecosystem over there.

If you allow them to wantonly remove all of these trees, the township will eventually regret it. Trees also help with natural stormwater management, incidentally. I could go on for a long time on this topic. Suffice it to say Great Valley is not the only school district suffering from a desire to clear cut trees and denude areas. There is at present a huge battle being waged against Lower Merion School District over the same issue.

Great Valley owes this township and her residents better here. They can save trees if they want to, only they don't want to and as a taxpayer and a gardener I have a problem with that.

Carla Z Mudry