

Board of Supervisors

May 11, 2022

Minutes

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

Staff Present: John Nagel, Township Manager; Steve Brown, Assistant Township Manager; Donna Wikert, Operations Manager, Board Secretary; John Neild, Direct of Public Work; Zach Barner, Director of Planning and Development; Usha Hogan, Direct of Finance Chris Yeager, Police 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 April 21 at 5pm (legal, personnel and real estate) and May 11 at 5pm (legal, personnel and real estate)

Congratulations to Darrell Becker, Township Engineer, on 11 Years of Outstanding Service to East Whiteland Township & Retirement from ARRO

Mr. Lambert thanked Darrell Becker for his dedication and great service to East Whiteland Township along with the Board and Mr. Nagel.

Route 30 Corridor – Mr. Nagel had no updates, the application was submitted, and we have meetings lined up in the coming weeks. Mr. Lambert added the Township applied for a \$25 million dollar highly competitive grant, and we should hear something by August 14, the scope of the project is Route 30.

Malvern Hunt Wastewater Treatment Plant Decommissioning Sewer System Sale

Mr. Neild gave an update on the demission of the wastewater treatment plant. There are two lagoons on Swedesford Road, one is completely dewatered, slug is cleaned out, 30%, the liner is removed, and they are staring to fill in. The second one is still pumping out water there is about 4feet of material left needs slugged cleaned out before liner can be removed looking at three weeks to hopefully complete this.

Chuck Faulkner, from Pennoni mentioned the main concern was odor, which has not been an issue the project will be approximately three months to completion. Mr. Nagel added the developer is interested in development on the site.

Campus Master Plan – Gerry Gorski

Mr. Gorski updated the Board on changes to the scope of work which increased the cost. Our goal is by the end of July have a set of plans to supply final price by September.

First – The cost of a Geo Tech study of the site, we found rock relatively shallow, and the project calls for deep cuts in the rock. The rock will need to be blasted we produced a price that induces the blasting, the blasting survey, hauling the rock away this will increase. The study verified there is infiltration will require basin to be lined to prevent fewer sink holes. The cost increase will be \$760,260.

Second – Requirements to fence in a good deal of the site and provide two automatic gates. The cost increase will be \$144,732.

Third – The shooting range. To proceed with the shooting range, the size needs to increase by three feet in width, to provide the right number of lanes. The cost increase will be \$84,690.

The good news is that the structure will now be solid concrete insulated instead of an all-steel building which saves \$210,000.

Questions from the Board:

Mr. Orlow asked did not we do soil testing on the property prior to engineering touching the plan. Mr. Gorski said there was a test pit done, just not a full Geo tech test. Mr. Becker added that ARRO did a testing but only at the locations of the infiltration detention basis very shallow only 4/5 feet deep.

Mr. Orlow commented on the fence, what is the need for all that fencing and what does it look like. Mr. Gorski said it is a pre finished aluminum more like a barrier then security fence eight hundred feet of fencing. Three sides of the site are being fenced with two gates that need to open quickly for entrance and exiting of police vehicles. Mr. Orlow said discussion is needed still as to if this is necessary, that we are not approving the fence tonight.

Mr. Gorski commented on the HVAC and that he would have a proposal by the June Board meeting. By replacing this old system will save money overall, it will be 40% more efficient. Mr. Lambert added that some of this cost will be covered by the American Rescue Plan (ARP).

Chief Chris Yeager recognized several East Whiteland Township Police Officers Detective Sergeant Patricia Doyle who received the Excellence in Service Award recognizing her investigation efforts to solve a multi-state human trafficking case involving juveniles. Officer Peter Dougherty who received the Crime Prevention Award for building public relations and trust with the community and his Community Policing efforts.

Sgt. Stephen Stefanski received the Award for Bravery for putting himself in harm's way to save another human life after a person had a mental health incident. Officers Cecil Abel, David Marra, Tyler Nace, Robert Pflaumer, Nate Woodland, and Detective Sergeant Patricia Doyle were given a Unit Citation Award for assisting in the mental health incident.

Thank you to all the officers for their efforts.

Chief Yeager mentioned the East Whiteland Police were the recipients of a certificate and American Flag flown over the United States Capital in honor of the East Whiteland Police Department. This was given to the Police Department from U.S. Congresswoman Chrissy Houlahan.

Consider Potential Dates for Workshop #2 regarding Route 30 Corridor Zoning - It was decided on June 29, 2022, start time 6:30PM

Recognize Cybersecurity Rating (97% by SecurIT360) for East Whiteland Township

Ms. Wikert attended a Cyber Security online seminar last week hosted by Delaware Valley Property and Liability (DVPLT). Prior to attending she had to complete a form listing the security in place currently. East Whiteland scored a 97% out of 100%.

Mr. Nagel announced the Township is hosting an in-service day for Diversity & Inclusion Training on Wednesday June 15 for all civilian employees. Similar training is being offered to all committee and board volunteers, on Tuesday June 14 or Wednesday June 15, in the evening. Juneteenth commemorates the emancipation of enslaved African Americans

Public Hearings:

Hearing to adopt/comment East Whiteland Township Parks, Recreation, and Open Space Plan (a chapter of the Township Comprehensive Plan) dated March 2022

Ms. Kearney opened the hearing at 7:50 pm.

Exhibits for the Hearing: one. Board Action Summary Memo by Steven Brown 2. March 2, 2022, Letter from Steve Brown to John Nagel 3. March 18, 2022, Letters from Steven Brown to Malvern Borough, Tredyffrin Township, Willistown Township and West Whiteland Township, Charlestown Township, East Goshen Township and Great Valley School District; 4. March 31, 2022 Letter from John Weller, Director of Planning & Zoning at West Whiteland Township to Steven Brown; 5. April 14, 2022 Chester County Planning Commission Memorandum; 6. April 19, 2022 Letter from Chester County Community Planning Director to John Nagel; 7. April 19, 2022 Memorandum by Thomas J. Comita to Charlestown Township Planning Commission; 8. Proof of Publication; and 9. PROS Plan

Mr. Brown briefed the Board: The PROS Plan was prepared by a Steering Committee made up of five Township residents, two of which were members of the PRB, with the assistance of Natural Lands and other consultants. Preparation of the plan began in 2019. The purpose of the plan is to update the Township's Recreation Plan, to create an Open Space Preservation plan, and to further consider trails planning. It is intended to tie those separate but related efforts together and serve as a comprehensive plan for them. In fact, the plan is an amendment to the Township Comprehensive Plan. It is intended to work in concert with other Township plans and goals.

The PROS plan establishes core values to guide decision making in future parks, recreation, and open space efforts. It also creates goals, objectives, and recommendations for:

- Open Space conservation, which is incredibly detailed and will serve as a “blue print” for how to move forward
- Existing Park and recreation facilities as well as to provide concepts and suggestions for improvements to what the Township already has
- Trails while building on current efforts and existing studies & plans
- Land use regulations that are suggestions, not requirements, and which make up a small chapter in the plan
- Programs and services
- Organization
- Finances

As the PROS Plan is an amendment to the Comprehensive Plan, it was transmitted to the CCPC, the GVSD, and our abutting municipal neighbors. Comments were received from the County and their letter concludes with this: “Based on our review, the proposed plan is consistent with Landscapes3 and the Scope of Work. The PROS Task Force was thoughtful in their decision-making throughout the update, resulting in a proposed Parks, Recreation, and Open Space Plan that should serve the Township well over the course of the plan’s implementation horizon.”

Mr. Orlow said the result is well done and meets our realistic expectations, Mr. Lambert agreed and added the Planning Commission gave their blessing. Mr. Fixler concurred.

Kate Stauffer wanted to add, she loves the idea but asks that the trail be extended to the General Warren Village and Malvern Warren Avenue, she mentioned that Willistown and Malvern Brough work closely together, and she asks that East Whiteland Township work with Malvern to extend the trail to Route 30 before someone gets killed walking on Warren Avenue. Mr. Orlow asked isn't that Patriots Path? Mr. Brown answered, yes this is contained in the plan.

Ms. Kearney closed the hearing and went back into the public meeting asking for action on this.

Mr. Orlow made a motion to approve, and adopt comment East Whiteland Township Parks, Recreation, and Open Space Plan (a chapter of the Township Comprehensive Plan) dated March 2022. Mr. Fixler seconded the motion; the motion was approved 3/0. Mr. Nagel added that Mr. Brown deserves praise for seeing this project to goal line. Mr. Brown echoed the County by saying this will serve the Township well into the future and add quality of life to the residents.

Board Motions & Resolutions:

Approve Budget Amendment (\$852,304 to Project Budget (from \$11,265,998 to \$12,118,302) for Proposed New Police Station

Mr. Nagel explained that the original plan designed by Bernadon then Gorski engineering did a price check, and it was a little over eleven million dollars. With the highlighted proposal and changes to design Gerry Gorski mentioned tonight it is a net increase of \$852,304 bringing the total up to a little over \$12,118,302.

Mr. Nagel explained this is not spending money it is appropriating money, there is a budget for this project. If the Board is so inclined to approve the changes that the staff is recommending, then all we are doing tonight is appropriating money toward this project he also added that we have save over three million dollars which has helped fund the design seed to begin the project. We are not spending site work construction money till the Board is ready to authorize in a different action sometime in the next year. Mr. Orlow asked if this is a glorified feel-good budget number, yes Mr. Nagel said this is just agreeing to establish an amended budget for the project. Mr. Orlow said putting a line item on a piece of paper. Mr. Nagel said yes, he also added there is ongoing status meetings with staff committee we will be meeting May 25, 2022, if you wish to add or have any questions for that meeting.

Mr. Fixler made a motion to approve the Budget amendment. Mr. Orlow seconded the motion; but asked a question, this is only for the building not the furniture fixtures and police equipment, is it? Mr. Nagel said I am not sure but will get back to you, the motion was approved. 3/0.

Approve Proposal from MUNIS for Software Upgrade & Migration to Cloud (Start Up Costs [\$40,730] & Annual Costs [increase from \$18,689 to \$33,239]

Ms. Hogan explained that we must upgrade the current version to the cloud, Munis will no longer support the version we currently have in place. Mr. Orlow made a motion to approve proposal for upgrading to the cloud version. Mr. Fixler seconded the motion; the motion was approved 3/0.

Consider Acceptance of Proposal from McMahon Associates for Traffic Engineering Services related to the Phoenixville Pike and Sidley/Yellow Springs Intersection Improvements Project for a price not to exceed \$56,700

Mr. Barner explained the Township along with Charlestown Township received a multimodal grant for approximately \$1,000,000 to improve Phoenixville Pike and Sidley/Yellow Springs Intersection. The two townships committed to about \$300,000 in local match. To meet that number, the townships are responsible for some of the soft costs. As part of the TPD (Traffic Planning Design) will prepare most of the roadway design and bidding of the project, McMahon will handle the right of way research, traffic analysis, traffic signal design ,along with quality control, for a price not to exceed \$56,700. Mr. Orlow, asked about the \$300,000 commitment from the developer of the new office building on Moores Road. Mr. Barner said the developer will pay their otherwise required traffic impact fee, this will go into our local funds to be used for this or other township projects. The traffic signal is in East Whiteland, it is to be determined on who will own and maintain the signal moving forward.

Mr. Orlow made a motion to approve not to exceed \$56,700. Mr Fixler seconded the motion; the motion was approved 3/0.

Motion to Award:

Award 2022 Paving project to Innovative Construction Services for \$495,268.50

Mr. Fixler made a motion to award the 2022 paving project to Innovation Construction Services. Mr. Orlow seconded the motion; the motion was approved 3/0.

Award Municibid Sale of Police 2000 Suzuki Quadmaster ATV (\$3,250)

Award Municibid Sale of Police 2015 Dodge Charger (\$14,900)

Mr. Orlow made a motion to award the sale of the 2000 Suzuki and the 2015 Police Dodge Charger. Mr. Fixler seconded the motion; the motion was approved 3/0.

Motion to Advertise:

Sale of Zoning 2016 GMC Sierra through Municibid.

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

537 Plan (Special Study) 30-day public comment period.

Mr. Neild is asking permission to advertise for the 30-day comment period for the 537 Plan. The plan is available for review at the Township Building 209 Conestoga Road, Frazer, Pa. Mr. Orlow asked if we will still have a 537 plan after the sewer sale. Mr. Neild said yes, we still own the 537 Plan but will be working closely with AQUA. Mr. Orlow made a motion to approve. Mr. Fixler seconded the motion; the motion was approved 3/0. Mr. Lambert asked about a sewer problem that occurred over the weekend. Mr. Neild said there was a sewer main break at the corporate center, it has been paved and repaired and back in operation.

Planning & Development (ZB): Planning & Development:

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

LD-12-2021 for 9 Malin Road Office / Flex Building – extension until to August 31, 2022

LD-13-2021 for Knickerbocker Residential Development – extension until to August 31, 2022

LD-02.2022 for 10 Malin Road Office / Flex Building – extension until to August 31, 2022

Mr. Orlow made a motion to approve the extension of time for all three requests. Mr. Filer seconded the motion; the motion was approved 3/0.

Kathleen Stauffer, a resident from the nearby residential neighborhood, expressed concern regarding the proposed projects at 9 and 10 Malin Road – specifically the previous conditional use approval to allow disturbance of steep slopes and the requested variances for setbacks and other relief. There was confusion regarding the required neighbor notices from the recent zoning hearing and the previous conditional use process, as well as the corresponding references within the exhibit packet for the zoning hearing. The conditional use decision (which includes a reference to the exhibits from that process, including the neighbor notices) was ultimately included in the exhibits for the zoning hearing.

Mr. Barner explained that the Stauffers may not have received a notice of the conditional use hearing because they are not an abutting property owner (per the notice requirements within the ordinance).

Ms. Stauffer is concerned that one of the development applications proposes a landscaping operation which could house chemicals.

Ms. Kearney and Mr. Orlow clarified that the Zoning Hearing Board (not the Board of Supervisors) reviews requests for variances. The Board of Supervisors reviews conditional use applications. If the applicant meets the requirements and criteria of the ordinance, the conditional use approval cannot be withheld by the Board.

Barbara Arnold, a resident from the nearby residential neighborhood, expressed concern over the proposed development and its potential impacts on Little Valley Creek and the Bishop Tube Site, which is downgradient from the subject properties.

Deb Mobile, a resident from the nearby residential neighborhood, commented that the developers have gone “back and forth” between the Zoning Hearing Board and Board of Supervisors to “pick away” at the Township’s ordinances. She asked that the Township stop allowing businesses to “eat away” at the community.

Mr. Orlow asked whether the written decision had been issued by the Zoning Hearing Board. He asked that staff circulate the decision to the Board of Supervisors once issued.

Zoning: Property Maintenance Codes – Recent Activity – Mr. Brown mentioned several properties were being cleaned up since they had been reported.

Public Comment: none

Consent Agenda:

Approve Meeting Minutes from April 5, 2022

Ratify Payment of Bills: \$398,230.32(April 2022)

Accept Treasurer’s Report as of March 31, 2022

Approve \$3,300 for 2022 Summer Camp Scholarships (\$2,000 already approved, \$1,300

additional requested) to allow for up to six full scholarships – Mr. Brown mentioned this is the first year we are offering a scholarship to camp we are offering 6 total. If you would like to be considered please reach out to Mr. Brown, assistant Township Manager.

Approve payments #2 and #3 in the amount of \$465,872.30 to Mecco Constructors for work performed at Bacton Hill Park for a total paid to date of \$501,633.39 out of a budget of \$1,488,789

Consider Acceptance of Proposal from Tom Comitta Associates for On-Going Planning Services related to the Route 30 Corridor for a price not to exceed \$8,300

Approve Agreement for Township Indemnification with Locust Lane Craft Brewery, LLC for four concerts and two movie nights in Township Parks in 2022

Approve Agreement for Township Indemnification with LaFamiglia Cellars, LLC for four concerts and two movie nights in Township Parks in 2022

Waiver of alcohol prohibition for summer concerts (4) and movie nights (2) in Valley Creek Park and Battle of the Clouds Park

Approve actions regarding the establishment of the Board of Directors of the Friends of East Whiteland Township Parks and Recreation for that entity to receive a 501.c.3 designation

Mr. Brown said the members of the Board consist of (5) members Chuck Barbera, Tim Phelps, Erin Tedesco, Deb Abel, and Amit Kohli.

Approve Chester County Declaration of Public Trust, Covenants, Conditions, and Restrictions for recordation for the Bacton Hill Park property

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

Donna Wikert
Board Secretary
9:00PM