

Board of Supervisors

August 10, 2022

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; John Mateja, Zoning Enforcement Officer; Usha Hogan, Direct of Finance(remote); 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 August 10 at 5pm (legal, personnel and real estate)

Welcome and Swearing in Full Time Firefighter Emergency Medical Technician Employees Christopher Plumley, Daniel Matthews, Cody Gable

Chief Lewis welcomed Christopher Plumley, Daniel Matthews, Cody Gable. These three applicants scored the highest out of 30 applicants. Chief Lewis handed them each their Badges for their class A uniforms as Official East Whiteland Firefighters.

Route 30 Corridor – RAISE Grant Decision on August 12

Mr. Lambert gave a status on the RAISE grant. The Township applied back in April for this federal grant Rebuilding American Infrastructure with Sustainability and Equity (RAISE) which would award up to \$25 million dollars from the Federal Government for Multimodal Transportation Improvements on Route 30 primarily between Church Road and Plain Brook. Tomorrow the announcement will be made some information is already trickling out. The last update Mr. Lambert received \$681,534.00 had already been award to Maine, Hawaii, and Ohio. Nothing yet about Pennsylvania. During this process the Township also applied for a \$3 million dollar grant to help offset any of the cost that would be associated with the RAISE program with help from Larry Shifflet, Deputy Secretary for Planning PennDOT.

Mr. Lambert read a statement he had prepared.

“On behalf of our township residents, I want to Thank Governor Wolfe for his support of the important and transformational project.” The fact is our federal and state legislative delegation have been a powerful force on our behalf. We are very thankful to also have the support from Congresswomen Chrissy Houlahan, State Senators, Katie Muth and Carolyn Comittia and Representative Kristine Howard. The County Commissioner’s, Josh Maxwell, Marian Moskowitz and Michelle Kichline have all been a tremendous help as well.

Their advocacy for Township residents will be critical as we pursue additional partnerships from U.S. and Pennsylvania Departments of Transportation and the Commonwealth Finance Authority.

Mr. Orlow, Mr. Fixler and Mr. Nagel all said congratulation on the awards.

Sewer System Sale (JN) - AQUA Application to PA Public Utilities Commission Officially Accepted 2/4/2022 (6 Month Mandatory Review, Office of Consumer Affairs & Technical Utilities Services; PA PUC Decision by 8/4/2022; Sale Closing on Settlement 8/12/2022

Mr. Nagel said we are pleased with the outcome. This project has been evaluated from top to bottom. Settlement is scheduled for Friday August 12, 2022.

Campus Master Plan – Mr. Nagel said no action items for this evening. The architect and construction manager have met and come up with revisions to the plan. This will be presented at the September Board meeting.

Recognition of Officer T.J. Ralph for helping to deliver a newborn. Chief Yeager announced that Officer T.J. Ralph had the privilege of delivering a baby girl a few weeks ago. Mother and baby are doing fine. Thanks Officer Ralph!

Bacton Hill Park Update: Mr. Brown showed pictures on the overhead of the park in construction. The playground is really taking shape. There is a central gathering area that is almost finished. The fitness area for adults has a bike, elliptical, stepping platforms, lifting and resistance area. There is a two- to five-year-old area that has slides, climbing pyramid and seesaws. The toddler area has a train to play on. There will be a fence put up along the side of the area where you can see office buildings. The playground is made up of toddler, two-to-five-year old's, five-to-twelve-year-olds and a handicap assessable swing and spinning equipment for all abilities. The connection to the trail has also been completed. On track to be completed sometime this fall. Mr. Orlow asked any idea when the stormwater silk sock at the entrance will be removed. Mr. Brown said once the conservation district allows it, you must have ground coverage established. Mr. Lambert added Park & Recreation Board is working on Phase II. What will phase II include? Pickleball was mentioned.

Catalyst Update – Mr. Lambert recounted what happened on June 20, 2022, unauthorized trees were removed in and around the bill boards located on 202. The Township stepped in and prevented any further damage going forward. There was a posting that appeared on Facebook asking residents to send complaints and concerns to PennDOT. Mr. Lambert was copied on all letters that were sent out to PennDOT the total was 47 residents sent complaint letters. Mr. Fixler read the terms of the conditions of the letter to Catalyst.

- 1) Payment of \$151,000.00 for the unauthorized removal plus an additional \$15,000 for professional, consultant, and staff fees/expenses presently incurred due to the Lessee's default for a total of \$166,000.00 to be paid to the Township on or before the issuance of the use & occupancy permit for the advertising display sign described in the Lease but no later than September 12, 2022 whether a use & occupancy permit is granted or not.
- 2) Preparation of a Soil Erosion and Removal plan in compliance with Township ordinances demonstrating how the Lessee will implement the re-establishment of vegetation in the areas disturbed outside of the Premises with a schedule of the items to be completed and the date of completion.
- 3) Preparation of a plan in compliance with Township ordinances demonstrating how the Lessee will remove debris and remediate the area disturbed by the Lessee's unauthorized actions with a schedule of the items to be completed and the date of completion.
- 4) Review and approval by Township professionals, consultants and staff of the plans set forth in paragraphs 2 and 3 (together the "Plans").

- 5) Implementation of the work set forth in the Plans once approved by the Township in a timely manner as set forth in the schedules on the Plans.
- 6) Reimbursement to Township professionals, consultants and staff for its fees, costs and expenses related to review and inspections and any other work related to the cure of the default from the date of this letter.
- 7) If the Lessee fails to make the payment in paragraph 1 or fails to proceed in accordance with paragraphs 2, 3, 5 and 6, the Lessee shall be considered in default of the Lease, no further opportunities to cure will be provided, and the Lease is terminated.

Ann Bell, 7 Mill Lane has several concerns, she said clearly there was a violation confirmed by PennDOT of illegal activities within the PennDOT right of way. She feels the penalties are not enough, entering a thirty-year contract with people who have engaged in illegal activities on Township properties is not what we should be doing, she felt the Township should be looking into every possibility to terminate that contract. If the Township must have a bill board district, which most of the residents were opposed to, then she is sure the Township can find another company that would be happy to have a bill board on 202. Lamar was declined and that would have taken care of the Townships obligation. Frankly, she thinks the Billboard District should go away! The Township has gutted their authority to regulate bill boards it used to be one would have to go thru an extremely complicated process now it's just by right use which seems very dangerous in light of what just happened. The property should be replanted and should be a nature preserve named after Martin Lutz. This started out as a reinterpretation of Zoning for bill boards on Route 30 from being along the center of Route 30. This is a terrific opportunity for a do over! Mr. Lambert made a comment and said on the lease arrangement we had with the catalyst we have fully taken all legal action. Ms. Bell said this is illegal activities and this should change the situation somewhat. Ms. Kearney said this is twofold, the Township has a lease and then there is PennDOT land and PennDOT is overseeing the investigation and they may take different steps than the Township has. Ms. Bell said lease or no lease you should explore every opportunity you have to stop doing business with people that have already shown they will do illegal activity.

Board Motions & Resolutions (Consider Board Action):

Approve appointments of David Daniels, PE, Joseph Hedglin, and Len Warren, Jr. to the UCC Board of Appeals
Mr. Orlow made a motion to approve appointments to the UCC Board of Appeals. Mr. Fixler seconded the motion; the motion was approved 3-0.

Approve Application for Membership to Pennsylvania Municipal League

Mr. Lambert said it is clear as a second-class township we engage in a lot of sophisticated projects; we are also members of PSATS. We would benefit from being members of PA. Municipal League. Denise Gembusia spoke on behalf of Pa. Municipal League; she encourages the Township to join and benefit from being part of this group.

The Pa. Municipal League offers:

State & Federal Legislative Advocacy • Promotes legislation that is beneficial to members • Maintains an active, year-round presence in the State Capitol lobbying for municipal interests • Protects the rights of members by participating in legal proceedings and by filing amicus curiae briefs on behalf of members • Relationship with National League of Cities

Mr. Fixler made a motion to join the Pa. Municipal League. Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve Proposal from Vendor (TBA) for Municipal Communications Services

Mr. Brown said this was team effort, we developed a specification that listed our needs and sought proposal and received three proposals from 235 Bridge, Phoenix Media Group (PMG) and Gailey Murray Communications, all three were qualified and in the end the staff recommends we engage with Phoenix Media Group as our Communication Consultant. The staff felt PMG would be able to provide the services we are after, website, social media, e-newsletter and crisis communication if necessary. The amount of the contract is (\$50,400 annually)

Mr. Fixler asked if we did this before, Mr. Brown said yes, we worked with Gailey Murray some time ago. Mr. Orlow said they were helpful. This appears to be more comprehensive then back then. Mr. Lambert is all for going forward and trying this out and get our information out to the residents.

Mr. Orlow made a motion to enter into an agreement with Phoenix Media Group for a sixth month term. Mr. Fixler seconded the motion; the motion was approved 3-0.

Approve Proposal from Scantek for Digitizing Documents (\$38,838.50)

Ms. Wikert gave an overview on this project. The Township has looked into Digitizing documents for several years. This would allow all documents to be accessed in one general location and create a paperless environment. The proposal is from Scantek and it's for the first phase of the digitization project: the Codes & Zoning Files located in the Modular Building. The price is a COSTAR pricing and includes all components of the project: including pick-up and boxing of records as necessary for transport to their secure facility, scanning, indexing (based on requirements for each record type).

Mr. Lambert asked who would have access to these records. Ms. Wikert said staff at this time only, it could be rolled out to the supervisors if needed. Mr. Orlow said it looks like a good idea to go paperless. How far back will we scan, Ms. Wikert explained what is in the basement is organized at this point we would leave that alone and scan completed work and going forward scan incoming. We are going to pick and chose what is being scanned, the Finance boxes that are downstairs are dated and must be saved for 7 years after that they can be destroyed, so we won't need to scan a lot of the work downstairs. Mr. Brown said the scanned documents will also be linked to the Traisr application.

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

Approve Purchase of 2022 Dodge Durango (Police) from New Holland Dodge Chrysler Jeep and RAM through COSTARS for \$39,213 (\$42,860)

Mr. Orlow made a motion to approve the purchase of 2022 Dodge Durango. Mr. Fixler seconded the motion; the motion was approved 3-0.

Consider Letter Authorizing Norfolk Southern to incur and seek Reimbursement for Expenses related to Patriots Path Sidewalk Extension (formal Reimbursement Agreement to follow)

Mr. Barner explained that earlier this year the Board authorized staff and McMahon to proceed with design and engineering for Patriots path sidewalk extension along Lancaster Avenue. As part of that we are required to coordinate with Norfolk Southern for any of the improvements within their right of way or attached to their structure. So, the overpass over Route 30 as part of that they require a reimbursement agreement to help recoup their costs. We are asking the Board for approval to send a letter saying we agree, once that is received, we will receive a formal agreement letter from Norfolk Southern. Mr. Lambert asked if this open ended or is there a cost associated with this. Mr. Barner said it is for \$15,000.

Mr. Fixler made a motion to approve sending a letter to Norfolk Southern agreeing to terms of reimbursement. Mr. Orlow seconded the motion; the motion was approved 3-0.

Appointment of John Mateja, Jr. as Zoning Officer and Code Enforcement Officer and Mark Moses as Deputy Zoning Officer and Code Enforcement Office – Mr. Brown welcomed Mr. Mateja to East Whiteland Township, he comes to us from Norristown with a wealth of knowledge in Codes and Zoning.

Mr. Orlow made a motion to appoint John Mateja as Zoning and Codes Enforcement Officer and Mr. Moses as Deputy to Zoning and Codes. Mr. Fixler seconded the motion; the motion was approved 3-0.

Approve appointment of consultant as project engineer for the design of the Sidley Road/Mill Lane trail connecting to the Chester Valley Trail

Mr. Brown said we secured a grant from DCED for design, survey, and engineering. Staff put out a RFQ and received 10 responses, we interview four qualified firms. Staff recommend we hire Michael Baker International out of Fort Washington. They have experience in Chester County and Delaware Valley in trail design and construction. They have a strong working relationship with PennDOT and knowledge of their process.

Mr. Fixler agreed they were very impressive. Mr. Orlow asked if they have a preference or recommendation on the route taking the trail over the bridge then up to the Chester Valley Trail. Mr. Brown said not yet.

Mr. Fixler made a motion to appoint Michael Baker International as project engineer. Mr. Orlow seconded the motion; the motion was approved 3-0.

Resolution 27-2022 Traffic signal Maintenance Route 29 & 30 Island Beautification

Mr. Neild said this will be started in the spring. Mr. Fixler asked what is type of trees or plants are being suggested to put in this island. Mr. Neild said it's all just concrete and trying to do as much maintenance free as possible. Mulch, grass, stone, decorative concrete. Mr. Fixler asked who is going to keep the plants alive if necessary. Mr. Neild said we have a sewer jet with a 500-gallon water tank.

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

Motion to Advertise:

Highway Occupancy Permit, Traffic Signal Permit, Bridge Occupancy License, or Supplement Application
Inactivity Route 29 & 30 Island Beautification

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

Planning & Development (ZB): Planning & Development:

Consider Extension of Time to Render a Decision on the Following Development Applications:

LD-13-2021 for Subdivision & Land Development Application for Knickerbocker Redevelopment until October 31, 2022

LD-05-2022 for Amended Subdivision & Land Development Application for Great Valley School District Amended 5/6 Center until October 31, 2022

CU-06-2022 Amended Conditional Use Application of Fetters Mill Community Association until September 14, 2022

Mr. Orlow made a motion to extend the time to render a decision for all the above. Mr., Fixler seconded the motion; the motion was approved 3-0.

Consider Authorizing Hearing Date and Legal Notices for Amended Conditional Use Application of Fetters Mill Community Association, Inc. – Hearing to be held on September 13, 2022

Mr. Fixler made a motion to authorize September 13, 2022, and legal notices for Fetter Mill Condition Use hearing. Mr. Orlow seconded the motion; the motion was approved 3-0.

Consider Authorizing Hearing Date and Legal Notices for Township Stormwater Management Ordinances in accordance with County -wide Model Ordinance – Hearing to be held on September 13, 2022

Mr. Orlow made a motion to authorize September 13, 2022, for Hearing Date and Legal Notices for Stormwater Management Ordinance. Mr. Fixler seconded the motion; the motion was approved 3-0.

Mr. Fixler made a motion to authorize September 13, 2022, and legal notices for Fetter Mill Condition Use hearing. Mr. Orlow 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- 2022-06 Application of Janssen Research and Development, LLC at 40, 45-67, and 84 Great Valley Parkway. The properties are within the O/BP Zoning District:

- 45-67 Great Valley Parkway – variance from section 200-36.C, Section 200-31, and Section 200 attachment 7, to not provide the minimum setback of 35 feet from the tract perimeter as well as a variance from section 200-36.C for impervious coverage to be a maximum of 74.72%.

- 40 and 84 Great Valley Parkway – variance from Section 200-36.C for impervious coverage to be a maximum of 68.80%.

ZHB-2022-07 Application of Janssen Research and Development, LLC at 260 and 280 Great Valley Parkway. The properties are within the O/BP Zoning District:

- 260 Great Valley Parkway – variance from Section 200-36.C, Section 200-31, and Section 200 attachment 7, to allow impervious coverage to be a maximum of 66.92% for additional pedestrian and vehicle connections between 260 and 280 Great Valley Parkway. The property also requires a variance from section 200-36.C to allow less than the minimum 20-foot driveway setback from the tract perimeter.
- 280 Great Valley Parkway – variance from section 200-36.C, Section 200-31, and Section 200 attachment 7, to allow a minimum accessory setback of 4 feet from the tract perimeter. This property also requests a variance from Section 200-36.C to provide less than the minimum 20-foot surface parking area setback.

No need to send the Solicitor.

ZHB-2022-08 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.

Mr. Barner said they have no information to support this application. This is scheduled to appear before the Zoning Hearing Board August 22, 2022. The Board had several questions: what type of vehicles, how long would the vehicles be parked, what type of visible impact would this have on route 30 and Village Way. Will they need a Hwy occupancy permit from PennDOT?

Ms. Stauffer voiced her concerns for the General Warren Village residents, she asked the Board to be careful who they say yes to, just because someone thinks this is a good idea. We don't want another issue like what the catalyst just did on 401.

Ms. Kearney suggests the Zoning Hearing Board open the hearing and have a continuance. Ms. Kearney suggested the Board opposed the application until further information is provided, and if they provide it, you can change your mind at the September Board meeting.

Mr. Orlow made a motion to oppose unless or until we get more information to further evaluate, that should instigate the applicant to extend until September and provide us with information to look at. Mr. Fixler seconded the motion; the motion was approved 3-0.

Public Comment: General

Ms. Stauffer asked about the beautification project on the route 29 & 30 and asked for small shrubs nothing that will impair the visuals for turning onto route 29. We are also concerned about Norfolk Southern on Malin Road we do not want Village Way to become an access for emergency vehicles. Also, you mentioned a coalition about Townships. I think you do not need to get involved in Pittsburgh. Right here we have Willistown, Charlestown, Malvern working together. I would rather see you working with Malvern. Mr. Lambert said that is just an annual summit being held. Last thing she suggested is making the Board a five-person Board.

Consent Agenda (Consider Board Action):

Approve Meeting Minutes from June 8, 2022

Ratify Payment of Bills: \$741,250.38 (June 2022)

Accept Treasurer's Report as of May 31, 2022

Approve Agreement for Township Indemnification with Locust Lane Brewery for movie nights, September 10, 2022, and September 30, 2022, in Township Parks

Approve payment #6 to Mecco Constructors in the amount of \$157,592.70 for work performed at Bacton Hill Park for a total paid to date of \$1,168,673 out of a budget of \$1,488,789

Ratify Signature of Steve Brown, Assistant Township Manager, on financial security agreement for Great Valley School District 5/6 Grade Center construction

Approve Resolution 26-2022 ratifying Board of Supervisors to approve Park, Recreation and Open Space Plan

Ratify Amendments to Mission Square Adoption Agreement as of July 2022

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

Adjournment – 9:30

Donna Wikert

Board Secretary