

Agenda Minutes for October 12, 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; 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

Moments of Silence: Larry Stauffer

Mr. Lambert extended condolences to Larry Stauffer's family. Larry was a longtime resident who passed away following an auto accident. Larry and his wife Kathleen were the most frequent attendees to the Board of Supervisors meetings. Larry was a pillar in the community and will be missed.

Mr. Fixler spoke with a very heavy heart, Larry and Peter were not just neighbors, but friends. Larry always had a smile on his face and was a caring person and good friend. Mr. Fixler said Larry was a timeless advocate for his neighbors. He was a fixture at the Township meetings and will be missed by all. Mr. Fixler said he and his family and Great Valley Community will miss him.

Mr. Lambert announced that on October 15, 2022, at 2PM at Cabrini College there will be a Celebration of Life in honor of Larry Stauffer.

Moment of Silence: Everett Beauregard

Mr. Lambert extended his condolences to Everett Beauregard family. Everett was a graduate Great Valley High Scott class of 2018. He was a National Merit Scholar, Studying Political Science at Temple, Boy Scout, Birdwatcher, Baseball Player, and Campaign worker. On behalf of East Whiteland Township condolences to Everett Beauregard's family.

Board Briefings:

Executive Session(s) were held on October 12 at 5pm (legal, personnel and real estate)

Update on Catalyst Billboard – The Township has been advised that the catalyst submitted an M700 request for trimming twelve mature trees. The Township along with residents have opposed this request leading to the permit being pulled. The Township has been informed that the ownership of the Billboard has been transferred to a company out of Manhattan, New York, called “Out Front.” Mr. Lambert said we will not be surprised if the new owners submit the same M700 permit request.

Mr. Lambert mention that we have been notified about an ongoing Zoning hearing board challenge by Lamar. The Pa. Supreme Court announced they denied the petition for allowance of the appeal. Mr. Lambert asked Bernadette Kearney to explain. Ms. Kearney said first she wanted to clear that it had not been confirmed that the Catalyst have settled yet. Ms. Kearney explained that Lamar had filed an application for Zoning Relief. This went through the court system from the Zoning Hearing Board to Trial Court and then Commonwealth

Court. The Commonwealth Court sided in favor of the Township. The Pa. Supreme Court does not have to take every case and they declined to take this case. This means the Zoning case ends. Mr. Lambert asked is there any way they can reopen. Ms. Kearney said they can always come back and refile.

Martin Lutz, resident asked if the owner of the Billboard requested the Township to remove any vegetation on Township property or under the term of lease agreement. Mr. Lambert said not at this time.

Mr. Lutz also wanted to know if anyone read the fine print on the M700 application. He pointed out that it states remediation proposed changes to device (which is the billboard), raising, lowering and or adjusting. Ms. Kearney said they are aware of this and if they wanted to change the height of the billboard, they would still need to go to the Zoning Hearing Board.

Mr. Lutz addressed an item on the Consent Agenda - Authorization to oppose PennDOT permit application (M700) for any future tree removal pertaining to billboard located on Township property on Conestoga Road.

He asked the Board to expand on this, Mr. Lambert said it should have read on PennDOT property. The Township is anticipating the new owners to refile the application, he said the Board is opposed to this. Mr. Orlow noted having that on the Consent agenda avoids the need to hold an emergency meeting. Mr. Lutz thanked the Board and Staff for their actions on this issue.

Mr. Lambert wanted to show how the trees have been documented in this video.

<https://youtu.be/xp58F2udJxY>

Route 30 Corridor: Mr. Nagel said Township officials met with Federal Government representatives from the RAISE grant application process. They gave us corrective action for 2023 application process.

Sewer System Sale: Mr. Nagel said it has been appealed and its 12–18-month period before the Commonwealth Court entertains the appeal.

Campus Master Plan: Mr. Nagel said there is nothing to report hoping to have update for the November Board meeting.

Update RAISE Grant:

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. There were 166 projects awarded. Pennsylvania only received two. We intend on filing for this grant next year.

Recognize and award given to Joe Rubino, Retiring as Chair of Fire Board of East Whiteland Township Volunteer Fire Association:

Mr. Orlow, recognized and thanked Mr. Rubino for his many years of service in the Township. Most recently as chair of Volunteer Fireboard Association Board. He is a longtime resident and served on the Zonin Hearing Board. We thank you Joe!

Mr. Nagel said he has known Joe for the past seven years. He was involved in fund raising and building the Fire station. Mr. Nagel is proud of the way he has helped steer the Fire and EMS in East Whiteland and Charlestown Township. Joe is a leader and has done a magnificent job! He will be sorely missed.

Mr. Nagel mentioned we are hosting the DCED at the Firehouse tomorrow morning. Thanking them for all the support and helping us with grants. Mr. Lambert also mentioned we are meeting with the County Commissioners and the planning folks that want to talk more in detail on a local level on this project.

Bishop Tube – Update regarding response to DEP remedial action plan:

Mr. Brown said DEP released their remedial action plan. The Township has not yet had the time to review or comment on this. Mr. Brown met with BSTI and the Solicitor. BSTI will be providing us with a proposal then hold a public meeting for discussion. We intend to request a second TEG grant we believe we are entitled to this. That will fund the cost of the consultant or at least some on the cost.

Ms. Debra Mobile commented she said this is a lot to digest. She has not seen any substantial changes in the updated proposal from the DEP Debra mentioned she cannot find any answers to her questions or any other residents' questions that they were forced to submit at the last minute for the hearing. If you recall the Township was told, we will have answers to all our questions and comments after the comment process was concluded. I cannot seem to find any answers I am not surprised after a quarter of a century. I am upset and concerned; I am glad the Township is going to have a meeting with the residents. I am concerned the state meeting is going to be another hearing.

Mr. Lambert added on Thursday at 6PM there is a hybrid meeting for EPA pertaining to the TCE site. Carol Armstrong from Charlestown Township asked what the purpose of this meeting is. Mr. Lambert said the EPA is going to be talking about the existing condition and updates on any remediation going on there or anything planned. Mr. Brown agreed. Carol asked because they must study this site every five years, so she is puzzled since the last study was 2020. Carol asked are they discussing the findings? Have they given you reports? Do they meet with you every five years? Mr. Brown said yes, he receives these reports and has been in contact with Mr. Gallagher, EPA representative. He is not sure what is prompting them to hold this meeting.

Board Motions & Resolutions:

Approve September 13 Consent Agenda – Mr. Lambert said last months meeting we did not approve the consent agenda for September 13, 2022

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

Ratify Grant Application to PA Commission on Crime & Delinquency for License Plate Readers
(Up to \$400,000)

Chief Yeager is applying for a grant for License Plate Reader Cameras, this will cover intersections and record all vehicles that go thru by license plates or description of vehicle. We are looking for up to ten intersections with four cameras each. We are thinking of placing these on 202 and 30, 29 & 30 and a few spots on 29 and 401. Chief said it is a very efficient way to go backwards and find out if someone was in a certain spot at a certain time. Mr. Orlow asked what period is preserved, Chief said a long time. It is done thru multiple states. Mr. Orlow asked if we would own these cameras or lease them. Chief said we own the camera and lease the

software. Mr. Lambert asked if the data is housed here, Chief said no PennDOT will house it. Mr. Lambert said it would have helped in the incident last year at the wawa. Chief said yes, they used that. Mr. Orlow made a motion to ratify the grant application. Mr. Fixler seconded the motion; the motion was approved 3-0.

Approve 2023 Budget Workshops for October 18 and 25 at 1:30 pm 2022.
Mr. Orlow asked how long each session would last. Mr. Nagel said three hours.
Meetings are open to the public and will be advertised.

Ratify CivicRec Park & Recreation Project Online Reservation Software (Start Up \$13,088 Annual \$6,300)

Ms. Wikert asked the Board to ratify software purchased to roll out in 2023 online park, fields reservations. Mr. Orlow made a motion to Ratify CivicRec Park & Recreation Project Online Reservation Software. Mr. Fixler seconded the motion; the motion was approved 3-0.

Ratify Cleaning Contract with City Wide Facility Solutions for Administration, Police, Public Works & Codes Departments (\$1,824.00 Monthly) (\$21,888.00 Annually)

Ms. Wikert asked the Board to ratify the new cleaning companies' proposal. Mr. Fixler made a motion to ratify the cleaning contract with City Wide Facility Solutions. Mr. Orlow seconded the motion; the motion was approved 3-0.

Ratify Purchase of Replacement Mower (31 HP; 72" Deck) for Eagle Power Turf & Tractor (\$13,985.30)

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

Consider Investment Options for Township Short & Intermediate Term Investments
Mr. Nagel moved this to the other business at the end of the agenda.

Approve 2022 Volunteer Fire Relief Payment to East Whiteland Township Volunteer Fire Relief Association

Ms. Hogan said this is an annual payment \$130,331.64.

Mr. Fixler made a motion to approve the 2022 Volunteer Fire Relief Payment. Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve Resolution for purposes of submitting a grant application to DCNR for C2P2 program funding for Bacton Hill Park phase 1A improvements

Mr. Brown said this is a resolution that will support the grant application to DCNR. For Funding for Bacton Hill Park improvements. DCNR has addition funds available.

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

Approve expenditures for added improvements to Bacton Hill Park phase 1 – benches (25) and picnic tables, fence installation along neighboring property line, fence materials for along storm water basins, retaining wall installation, and tree planting (\$180,000)

Mr. Brown said these are added costs. It includes a fence along the property line, fencing along the storm basin added for safety, retaining wall along the property line at the entrance, planting of trees this fall, and benches along the trail and picnic tables. Mr. Brown recommends tabling the retaining wall until we really look into the cost.

Mr. Lambert said the medical supply company is splitting the cost of the fence and fifty or so trees would be planted.

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

Approve signing Agreement with Norfolk Southern for Preliminary Engineer Services related to Patriots Path (\$13,475):

Mr. Barner said in August the Board authorized a letter to be issued to Norfolk for preliminary expenses for services.

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

Consider Authorizing additional work to re-design the stormwater basins to MRC basins related to the Campus Master Plan:

Mr. Vennettilli with ARRO explained after more research by Gorski Engineering, rock was found which requires blasting. We cannot do an infiltration basin that was originally designed. They will be MRC (Manage Release Concept Basins) the cost is \$15,250. Mr. Vennettilli also mentioned that today Gorski asked him to mention redesigning the retaining wall adjacent to the upper parking lot. Mr. Lambert said that would require a proposal for the next meeting.

Mr. Fixler made a motion to approve the addition work to re-design the stormwater basin. Mr. Orlow seconded the motion; the motion was approved 3-0.

Approve and execute Condition Statement requested by PennDOT for the Rt. 29 & Rt. Island Beautification:

Mr. Vennettilli said PennDOT had us sign the wrong document. They are asking for condition statement, which eliminates the signal agreement and turns it into a landscaping agreement. Question was asked how long it will be before the project can start, Mr. Neild said we need to rebid.

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

Public Hearing:

CU-06-2022 for Amended Conditional Use Application of Feters Mill Community Association related to perimeter landscaping and buffering requirements.

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. The hearing ended and Ms. Kearney reconvened into the regular Board meeting to vote upon CU-06-2022 for Amended Conditional Use Application of Fetters Mill Community Association related to perimeter landscaping and buffering requirements.

The hearing ended and Ms. Kearney reconvened into the regular Board meeting to vote upon. Mr. Lambert made a motion to approve all changes as read by Ms. Kearney to condition #7. Mr. Orlow seconded the motion; the motion was approved 3-0.

Motion to Award:

Award 2023 Heating Oil and Diesel Fuel Bid to Rhoads

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

Motion to Advertise:

Consider Authorizing Hearing Date for Conditional Use Application CU-12-2022 of Chester Valley Golf Club for a Proposed Practice Course

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

Authorize Bids for 2017 Ford Explorer on Municbid

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

Planning & Development:

Consider Rendering a Decision on the Following [Development Applications](#):

LD-10-2022 for Preliminary/Final Land Development Application for East Whiteland Township Police Station

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

LD-13-2021 for Preliminary Subdivision & Land Development Application for Knickerbocker Redevelopment

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

WLD-09-2022 for Waiver of Land Development for Farm Boy BBQ:

Mr. Barner said this is the former Friendly's building. The applicant is looking to do accessory building additions. They are looking to install a pool shed structure and breeze way to create a separate smoking building.

Mr. Fixler asked if this structure has a fire suppression system. Mr. Moses, Codes Director said no it will not it is separate from the building. Mr. Fixler asked Fire Chief Greg Lewis, what are your thoughts of the spacing of this structure from the main building. Mr. Lewis said there is a ventilation system in place, he has no issues with that.

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

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

LD-05-2022 for GVSD – extension to January 31, 2023

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

LD-12-2022 for 9 Malin Road – extension to December 31, 2022

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

Consider Final Release of Financial Security for the Following Developments (ZB)

45 Liberty Boulevard in the amount of \$743,824.12

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

Consider the following related to Ordinance Amendments: ARRO – Collin Fox

Stormwater Management Ordinance Amendments – Brief Overview by Collin Fox

Mr. Fox supplied the Board with documents to review as a supplement to the ordinance update and the redlined version of the Stormwater Management Ordinance (SWMO) update. Most specifically the maintenance option section.

Primarily what was discussed regarding the update was the following. This SWMO update is required by the Township's Municipal Separate Storm Sewer System (MS4) permit, as regulated by the PA DEP. ARRO has utilized Chester County resources to create a draft of the ordinance that, if adopted, would bring the Township into compliance with their permit.

The current draft of the ordinance does require one choice to be made by the municipality – which is whether the Township will require the property owners who install stormwater Best Management Practices (BMPs) to inspect, maintain, and submit records for the BMPs - or - will the Township create its own program to manage these requirements.

Mr. Barner added that a lot of this will be captured not just in the Ordinance requirements but when they come through Land Development. There will be requirements to complete an O& M agreement that goes along with their developer agreement so that will spell out a lot of this. Currently, the onus is on them to provide inspection reports. If they fail to do this, or we feel we need to step in, we can seek reimbursement.

The Board needs time to look this over before they can come to an agreement. Ms. Kearney said we need to advertise both options in the advertisement and vote on it at the next meeting.

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

Consider Authorizing Hearing Date for Stormwater Management Ordinance Amendments at November or December Board of Supervisors meeting.

Mr. Lambert made a motion to authorize at the November 9, 2022, Board Meeting. Mr. Fixler seconded the motion; the motion was approved 3-0.

Zoning & Code Enforcement: Consider Action on Zoning Hearing Board Decision & Orders:

Mr. Barner asked this to be moved to the November meeting

ZHB-2021-17 of Vicky Chen at 822 Stonecliffe Road

ZHB-2022-04 of Jyoti Parameswaran at 102 Sweetwater Way

ZHB-2022-05 of Mark Helmle at 3A Toms Circle

ZHB- 2022-06 Application of Janssen Research and Development, LLC at 40, 45-67, and 84 Great Valley Parkway

ZHB-2022-07 Application of Janssen Research and Development, LLC at 260 and 280 Great Valley Parkway

Mr. Orlow made a motion to defer and review once we receive the decision. Mr. Fixler seconded the motion; the motion was approved 3-0.

Public Comment: No public comment

Consent Agenda:

Approve Meeting Minutes from September 13, 2022

Ratify Payment of Bills: \$1,858,986.71(September 2022)

Accept Treasurer's Report as of August 31, 2022

Approve purchase of Bluebeam software and equipment for Codes Department \$3,200

Approve proposal from Natural Lands for landscape planning services in Bacton Hill Park (\$4,000)

Approve execution of PennDOT condition statement for beautification of the concrete island at Routes 29 and 30

Authorization to oppose PennDOT permit application (M700) for any future tree removal pertaining to billboard located on Township property on Conestoga Road

Approve execution of assessment appeal for 56 Swedesford Road – Mr. Fixler asked what this is in reference to, Ms. Kearney explained that this is an appeal between the School District and the property owner, the hearing was yesterday the matter was settled. The settlement increased the 2023 market value of the assessment from \$59,289,200 to \$67,500,000

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

Consider Investment Options for Township Short & Intermediate Term Investments:

Mr. Nagel and Ms. Hogan said this is to bring it to the Boards attention, with the rising interest rate market rates are going to continue to rise. We have a snapshot of one month, look at the highlight areas. Take an analysis through the last 12 months see what the average balances are in these funds and come back in November to see how we can maximize the interest rates out the investments that are out there.

Adjournment – 10:45 PM

Donna Wikert

Board Secretary