

**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS
BUSINESS MEETING**

Minutes of the First January Meeting

January 13, 2010

1. Call to Order.

Chairman Keith Choper called to order the first January meeting of the West Whiteland Township Board of Supervisors at approximately 6:30 p.m. in the Municipal Building. Those present besides Mr. Choper were as follows:

William Herbert - Vice Chairman
Steve Soles - Member
Michael Cotter - Township Manager
Joe Roscioli - Public Works Director
John Weller - Planning & Zoning Director
Cathy Kleponis - Finance Director
Vince Pompo - Solicitor
Patricia Launi - Recording Secretary

2. Pledge of Allegiance

Mr. Choper, Chairman, led the group with the recitation of the pledge of allegiance.

PUBLIC COMMENT:

Ms. Mary Kivlin, Chairman of the Historical Commission, thanked the Board of Supervisors on behalf of the Historical Commission for their support of historic preservation issues within the Township, in general and most recently, the Thomas Mill Miller's house. She asked the Board to move forward with urgency regarding protection of the Miller's house, as the roof was badly leaking and causing considerable damage. Mr. Choper replied that historic preservation was important to the Township, and that Mr. Cotter would be contacting the owner of the property to set up a meeting to discuss resolution of the issue as soon as possible.

ANNOUNCEMENTS:

Mr. Choper announced that the Otto's Conditional Use Hearing would be continued to January 27, 2010. The Board of Supervisors met in Executive Session prior to the meeting to discuss matters of potential litigation with the Solicitor.

Mr. Choper noted that at the Organization meeting on January 4, 2010, Mrs. Diane Snyder was appointed to a three year term on the Zoning Hearing Board. Mrs. Snyder was present and the Oath of Office was administered by Patricia A. Launi.

MONTHLY REPORTS:

1. Accounts Payable Warrant Report

Mr. Choper presented the Accounts Payable Warrant Report dated January 13, 2010, listing check numbers 36890 through 36952, in the amount of \$375,513.61.

A motion was made by Mr. Herbert, seconded by Mr. Soles, to approve the Accounts Payable Warrant Report dated January 13, 2010, in the amount of \$375,513.61. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

OLD BUSINESS:

1. Authorization to Advertise the Custodial Bid

The Board of Supervisors provided Mr. Cotter with their comments on the bid.

A motion was made by Mr. Herbert, seconded by Mr. Soles to authorize advertisement of the Custodial Bid. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

2. Action on the Clear Channel Bus Shelter Agreement

The Board of Supervisors reviewed and discussed the Clear Channel Bus Shelter Agreement.

A motion was made by Mr. Herbert, seconded by Mr. Soles to enter into the Clear Channel Bus Shelter Renewal Agreement as outlined in a memorandum from Mr. Cotter dated January 7, 2010, as amended (Section 6, 11, and 15) and to authorize the Township Manager to execute the agreement. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

NEW BUSINESS:

1. Zoning Hearing Board Scheduled Thursday, January 28, 2010, for Jerry and Nancy Mullen, 200 Hillside Drive, Exton, PA

The Zoning Hearing Board will hear the appeal of Jerry and Nancy McMullen for relief from sections 325-11.C(6) and 325-106.A of the West Whiteland Township Zoning Ordinance in order to enlarge an existing one-car garage on their property located at the above address in the R-3 Zoning District. The subject property is a corner lot with an existing front yard set back from Hillside Drive of 38 feet. The applicants are seeking a variance to allow a front yard set back from Hillside Drive of 28 feet and to allow an extension to a non-conforming structure that worsens the aspect of non-conformity.

In attendance was Jerry and Nancy McMullen, applicants, and Mr. Matt Barns, applicants' architect. Mr. Choper explained the Zoning Hearing Board process. Mr. Barns explained that the applicant wanted to construct an addition to their existing dwelling that would extend into the required front yard area and the variance that would be needed. Discussion of the application followed.

The Board of Supervisors would not oppose the application.

2. Authorization to Advertise the Purchase of Plastic Trash Bags Bid

The Board of Supervisors reviewed and discussed the bid for the Purchase of Plastic Trash Bags and corrections were noted.

A motion was made by Mr. Herbert, seconded by Mr. Soles to authorize advertisement of the Bid for the purchase of Plastic Trash Bags, specification 2010-01 subject to corrections as presented. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

3. Authorization to Advertise an Ordinance Amending Chapter 253, Sewer Rental Fees, in order to provide for Annual Sewer Billing

Changing from semi-annual to annual sewer billing was discussed. The change from semi-annual to annual was to help minimize the cost to the Township, which could provide a savings of \$11,000. Acceptance of credit card for payment was also discussed.

It was decided that the Township would continue to bill for sewer in 2010 semi-annually, but in 2011, the sewer billing would be annually. The decision to wait until 2011 would provide more advance notice to residents on a fixed income. Therefore, the authorization to advertise the Ordinance amending chapter 253, Sewer Rental Fees, in order to provide for Annual Sewer Billing was tabled until the fall of 2010.

4. Action on the Chester Creek Pit Meter Replacement Proposal to W.G. Malden in the amount of \$3,891

Mr. Roscioli explained the proposal to replace the Chester Creek Pit Meter.

A motion was made by Mr. Herbert, seconded by Mr. Soles to award the proposal for the replacement of the Chester Creek Pit Meter to W.G. Malden in the amount of \$3,891. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

The Board of Supervisors recessed at 7:30 p.m. and reconvened at 7:35 p.m.

HEARINGS:

1. Otto's Imported Cars Decision and Order

The application of Otto's Imported Cars was pursuant to Section 325-124.A of the Zoning Ordinance for construction of more than 5,000 square feet of non-residential space located at 305 W. Lincoln Highway, Exton. A letter was received from Mr. Michael S. Gill, from Buckley, Brion, McGuire, attorney for the applicant, dated January 13, 2010, requesting that the Otto's Conditional Use hearing be continued to January 27, 2010. The hearing was continued to January 27, 2010.

2. Metro PCS Pennsylvania

Ms. Debra Shulski, from Riley Riper Hollin & Colagreco, attorney for the applicant, Mr. Frank Puchino, Radio Frequency Engineer, Mr. Shawn Jones, and Mr. Mario Calabretta, Engineer, were present. The application of Metro PCS Pennsylvania was pursuant to Section 325-23.C(1) of the Zoning Ordinance for construction of a telecommunications antenna on an existing electrical transmission structure owned by PECO located at 50 E. Boot Road, West Chester, PA. Testimony was given and a court reported record was taken by Arlene LaRosa, Court Stenographer. The hearing was continued to February 10, 2010.

The Board of Supervisors recessed at 9:30 p.m. and reconvened at 9:35 p.m.

PLANS:

1. 290 National Road – Land Development (Expires January 16, 2010)

Mr. Greg Walters, Mr. Charles Lyddane, and Mr. Grant Hitchens, engineer, were present. The Board of Supervisors reviewed and discussed the donation of Open Space, Mr. Weller's memo dated January 8, 2010, his Analysis of Compliance with Decision and Order dated January 8, 2010, Spotts, Stevens & McCoy (SSM) letter dated January 5, 2010, Thomas Comitita Associates (TCA) letter dated December 22, 2009, Traffic Planning & Design (TPD) letter dated January 5, 2010, and Stan Stubbe's letters dated December 21, 2009 and January 6, 2010.

Issues to be resolved are:

- Open Space: What was shown on Sheet 15 was acceptable provided that the applicant retain ownership with a perpetual public right of access. Details to be worked out as part of the Final Plan process.
- Design of the left turn lane from South Whitford Road to National Road would be provided as part of the Final Plan.
- The public water supply final design would also be provided as part of the Final Plan.
- Stop sign: Mr. Weller to contact TPD to determine if they are okay with having it on

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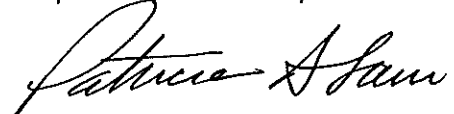
- the applicant's property instead of the adjacent property.
- Conditional Use Decision and Order Condition 18: Obtain confirmation from SSM.
- Mr. Weller to contact TCA to determine how they made the determination that the existing buffer was sufficient. The buffer required would be incorporated in the Landscaping Restrictive Covenant to ensure it was preserved.
- Compliance with all consultant comments.
- Conditional Use Decision and Order: Carry forward Condition 26 (grinder pump agreement).

The applicant provided a written extension of time for the 290 National Road LP Preliminary Land Development Plan to January 28, 2010.

Adjournment:

The meeting adjourned into Executive Session at approximately 11:20 p.m.

Respectfully submitted,



Patricia A. Launi
Recording Secretary