

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

Minutes of the Second March Meeting

March 24, 2010

1. Call to Order.

Chairman Keith Choper called to order the second March meeting of the West Whiteland Township Board of Supervisors at approximately 6:40 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 – Director of Planning and Zoning
Brian Gordon – Assistant Public Works Director
Janice Gottesfeld – Administrative Assistant/Coordinator Parks
Vince Pompo – Solicitor

2. Pledge of Allegiance

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

Mr. Choper welcomed Michael and Andrew from Boy Scouts Troop 105, who were in attendance for the Citizenship in the Community Merit Badge.

PUBLIC COMMENT:

There was no public comment.

ANNOUNCEMENTS:

Mr. Choper announced that the Board met in Executive Session prior to the meeting to discuss matters of potential litigation and personnel.

MONTHLY REPORTS:

Accounts Payable Warrant Report

A motion was made by Mr. Herbert, seconded by Mr. Soles, to approve the Accounts Payable Warrant Report dated March 24, 2010, check nos. 37272 – 37356, including four items marked Procurement Card Expenses March, for a final total of \$405,698.13. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

MINUTES:

Approval of Minutes: March 10, 2010

Amendments were made to the Minutes. Mr. Soles asked that item #1 under Old Business be amended to reflect that the Board was reviewing the matter for the second time. For the same item, Mr. Herbert asked that a sentence be added to indicate that the Township Staff and the Parks and Recreation Commission contacted both Little Leagues (Exton and West Side), and that they were in agreement with the project. He also requested a sentence be added to indicate that the suitability of the clay content of the Diamond-Tex mixture was reviewed and found acceptable by the project engineer, CMX.

A motion was made by Mr. Herbert, seconded by Mr. Soles, to approve the March 10, 2010, minutes as amended. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

OLD BUSINESS:

1. Action on the Award of the Road Materials Bid to Highway Materials and Hanson Aggregates per bid prices

Mr. Choper announced that a Memorandum from Joseph Roscioli and Brian Gordon was provided to the Board and was available for public review in advance of the meeting.

A motion was made by Mr. Herbert, seconded by Mr. Soles, to award the Road Materials bid to Highway Materials (for bituminous concrete) and Hanson Aggregates (for crushed aggregate) as the lowest responsible bidders, as documented in Joseph Roscioli and Brian Gordon's Memorandum of March 10, 2010, listing the various costs for bituminous concrete and crushed aggregate. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

2. Action on the Award of the Pavement Marking Bid to Alpha Space Control in an Amount not to exceed \$20,000

A motion was made by Mr. Herbert, seconded by Mr. Soles, to award the Pavement Marking Bid to Alpha Space Control in an amount not to exceed \$20,000, as outlined in the Memorandum dated March 15, 2010, from Joseph Roscioli and Brian Gordon, and to authorize the Township Manager to execute the contract services agreement. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

3. Action on the Award of the Annual Street Sweeping Bid to Reilly Sweeping in the Amount of \$6,880

A motion was made by Mr. Herbert, seconded by Mr. Soles, to award the Annual Street Sweeping Bid to Reilly Sweeping in the amount of \$6,880.00, as outlined in the Memorandum dated March 12, 2010, from Joseph Roscioli and Brian Gordon, and to authorize the Township Manager to execute the contract services agreement. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

4. Action on Meter Calibration Proposal in the Amount of \$3,960

A motion was made by Mr. Herbert, seconded by Mr. Soles, to award the contract for Meter Calibration to Controlex Service Corporation in an amount not to exceed \$3,960.00, as outlined in the Memorandum dated March 9, 2010, from Joseph Roscioli and Brian Gordon, and to authorize the Township Manager to execute the service agreement for same. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

HEARINGS:

1. The Hankin Group/Chandler Tract Conditional Use

The application of the Hankin Group was for a Conditional Use for the Chandler Tract. A letter dated March 15, 2010, from Michael P. Malloy, General Counsel, from The Hankin Group, was received requesting that the Conditional Use hearing for The Hankin Group/Chandler Tract be continued to May 26, 2010. The hearing was continued to May 26, 2010.

2. 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 court reported record was taken by Elaine Parrish, Court Stenographer. The record was closed on February 11, 2010. A draft Decision and Order dated March 15, 2010 was reviewed and discussed. Mr. Pompo noted two corrections to the draft. On page 2, the date of the last revised plan should be December 17, 2008, not December 13, 2008. On page 6, the impact of leaf litter on the stormwater management facility was cited as the reason for the landscaping waiver request. However, in checking the record, Mr. Pompo said the testimony did not mention leaf litter, but rather the impact from the trees themselves on the facility, so the word "litter" was deleted from the draft.

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A motion was made by Mr. Herbert, seconded by Mr. Soles, to accept the Decision and Order dated March 15, 2010, as drafted by the Solicitor, with the two corrections outlined above. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

Mr. Gill, attorney for the applicant, waived the requirement to have the written Decision issued within 24 hours.

NEW BUSINESS:

1. Action on National Trails Day Event at Ship Road Park

Mermie Karger, Chairman of the Parks & Recreation Commission, provided a brief overview of the proposed project to be held on June 5, 2010. She explained that the purpose was to be a celebration of the opening of the butterfly garden and the zig-zag trail. Volunteers would provide educational programs on wildlife in the area, the geology of Eagle Rock, and butterfly gardens. Mr. Choper wanted some assurance that the 139 available parking spaces would be sufficient for both those attending the event and the Little League games scheduled that day. Mrs. Gottesfeld and Mr. Cotter were instructed to investigate contingency parking locations.

The Board endorsed the National Trails Day Event at Ship Road Park on June 5, 2010, conditioned upon confirmation from the Township Manager that there was adequate parking for the event.

OLD BUSINESS (Continued)

5. Zoning Hearing Board Scheduled Thursday, April 8, 2010, for Ernest and Leslie Eadeh, 407 E. Lincoln Highway

Stacy Ballard, property manager for the applicant, and Sean O'Neill, attorney for the applicant were present. After reviewing the application at the March 10, 2010 meeting, the Board of Supervisors requested that the applicant return with scale drawings.

After a review and discussion of the scale drawings, the Board directed Michael Cotter, Township Manager/Zoning Officer to attend the zoning hearing to express the Supervisors' concerns to the Zoning Hearing Board.

NEW BUSINESS: (Continued)

2. Resolution 2010-13 – Disposition of Meeting Recording Media

A motion was made by Mr. Herbert, seconded by Mr. Soles, to adopt Resolution 2010-13 approving the disposition of a 2 GB media card for the Board of Supervisors meeting of March 10,

2010, and the Planning Commission 2 GB media card for February 2, 2010. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

3. Action on the Kapoor Arbitration Costing Proposal, in an Amount Not to Exceed \$5,600

A motion was made by Mr. Herbert, seconded by Mr. Soles, to accept the Kapoor Arbitration Costing Proposal, in an amount not to exceed \$5,600, as outlined in the March 17, 2010 Memorandum from Michael Cotter. Mr. Choper called for public comment and there was none. The motion was unanimously approved.

4. Action on the Strategic Link Timeshare Project Change Order #1 in the Amount of \$6,885, Change Order #2 in the Amount of \$2,160, Change Order #3 in the Amount of \$4,050, and Change Order #4 in the Amount of \$8,640

Henry Chang and representatives from Strategic Link were present and provided a demonstration of Timeshare, a web-based time accounting system.

Mr. Choper announced that he would abstain from all votes with regard to Strategic Link to avoid any possible conflict of interest. Mr. Pompo, the Township Solicitor, said there was no conflict.

A motion was made by Mr. Herbert, seconded by Mr. Soles to approve Change Order #1 in the amount of \$6,885.00, and Change Order #2, in the amount of \$2,160.00, both as outlined in Michael Cotter's Memorandum of March 17, 2010. Mr. Choper called for public comment and there was none. The vote was 2-0-1. Mr. Choper abstained.

Change Order #4 was for customizing the non-uniformed portion of the system to accurately reflect how police time was tracked. Mr. Choper suggested that "true as stated" be changed to a formal signoff on Change Order #4 by Chief Burton, Lieutenant Meacham, and Yvette Johnson.

A motion was made by Mr. Herbert, seconded by Mr. Soles, to approve Change Order #4 in an amount not to exceed \$8,640.00, as detailed in Michael Cotter's Memorandum dated March 17, 2010, excluding the "Terms and Conditions" attachment to Change Order #4, as determined by the Solicitor. Mr. Choper called for public comment and there was none. The vote was 2-0-1. Mr. Choper abstained.

Change Order #3 was to provide the Township with technical support post-beta period.

A motion was made by Mr. Herbert, seconded by Mr. Soles, to approve Change Order #3 for 30 hours of post "go-live" support at a rate of \$135.00 per hour, not to exceed \$4,050.00. Mr. Choper called for public comment. Mrs. Kivlin asked how long the 30 hours would last. Mr. Chang said he anticipated the 30 hours would last through 2010, for both uniformed and non-uniformed portions of the system. The vote was 2-0-1. Mr. Choper abstained.

The Board recessed at approximately 7:45 p.m. and reconvened at 7:55 p.m.

5. Brentwood Shoppes Renovation – Review of Exterior Colors

Michael Gill, attorney for the applicant, Kerry Haber, of Bernardon Haber Halloway Architects, and Kevin Kreuz, from First Capital Realty, owner of the Brentwood Shoppes site, were in attendance. The present proposal was for redevelopment of the building, formerly the site of the Goodyear Exton Tire Company, converting same from a single tenant use to multi-tenant retail use. The site is located in the Town Center Zoning district. Mr. Haber showed slides of the site. The Thomas Comitta Associates (TCA) letter of March 16, 2010, and John Weller’s Memorandum of March 19, 2010, were reviewed and discussed. The applicant agreed to provide decorative planters with shrubs or dwarf evergreen trees in front of the brick sections between the awnings to enhance the entrances, as suggested by TCA. Mr. Herbert suggested something more be used to enhance the western elevation (perhaps different awning colors). The applicant would submit the revised enhancements to TCA for further review, and then return to the Board for review and possible action.

PLANS:

1. PNC Bank Land Development

Craig R. Lewis, attorney for the applicant, provided a brief history of the project thus far. The following consultant review letters were discussed: Spotts, Stevens, McCoy (SSM) letter dated March 18, 2010, TCA letter dated March 4, 2010, Stubbe Consulting letter dated March 1, 2010, Traffic Planning and Design (TPD) letter dated March 11, 2010, and John Weller Memorandum dated March 19, 2010.

The Township Solicitor would draft a note to be placed on Sheet 2 of the plan that in the event of a conflict between the maintenance provisions required by the Township and some other agency, the Township provisions shall control.

Special language regarding construction of the stormwater facilities to prevent compaction of the area would be provided to the applicant for placement on the plan. A well was identified on the plan. A note would be added to the plan describing how the well would be abandoned.

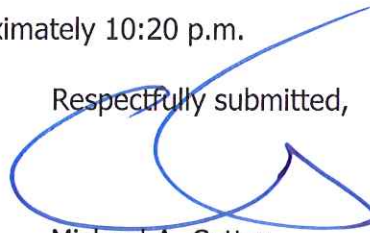
The applicant was directed to resolve outstanding issues noted in the consultant review letters and submit a plan revision for review. Mr. Lewis provided a written extension of the expiration date of the plan to April 30, 2010.

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Adjournment:

The meeting adjourned at approximately 10:20 p.m.

Respectfully submitted,

A handwritten signature in blue ink, consisting of several loops and a final upward stroke, positioned over the text "Respectfully submitted,".

Michael A. Cotter
Recording Secretary