



## WEST WHITELAND TOWNSHIP BOARD OF SUPERVISORS

### BUSINESS MEETING

Minutes of the First February Meeting

February 10, 2021

#### 1. Call to Order

Chairman Rajesh Kumbhardare called to order the first February meeting at 6:40 p.m. The meeting was held via Zoom due to the COVID-19 pandemic.

A moment of silence was observed for the West Whiteland family from Mountain View Drive who tragically lost their lives last month. Thoughts and prayers go out to the family.

Mr. Kumbhardare reviewed the guidelines for the meeting which included the following:

- We ask you to mute your device when you are not speaking to improve the sound quality for everyone else.
- There will be opportunities for public comment at the beginning of the meeting for general concerns.
  - If you have a question or comment, please click the "raise your hand" feature in Zoom, which is available under the "more" menu on the participant tab.
  - If you have dialed in to this meeting by phone, you can press \*9 to raise your hand to speak. When you are called upon, press \*6 to unmute your phone, state your name and address and make your brief comment. Please remember to mute your phone by pressing \*6 after your comment.
  - Please wait until you are recognized before speaking.
  - Speakers are asked to provide their name and address and limit their comments to 3 minutes.
  - Preference will be given to Township residents, and all speakers are asked to keep a respectful tone.

Those in attendance in addition to Mr. Kumbhardare were:

Theresa Santalucia, Vice-Chairman  
Joshua Anderson, Supervisor  
Mimi Gleason, Township Manager  
Pam Gural-Bear, Assistant Township Manager  
Lee Benson – Police Chief  
Ted Otteni – Public Works Director  
Ed Culp – Assistant Public Works Director  
John Weller – Planning Director  
Justin Smiley, Township Planner  
Beth Jones – Finance Director  
Marie Guarnera, Codes Director  
Andrew Rau, Solicitor  
Vincent Pompo, Special Counsel  
Pat Layman – Minutes

**ANNOUNCEMENTS:**

The Board of Supervisors met in executive session on February 5th and prior to tonight's meeting to discuss matters of personnel and litigation.

The Township Building will be closed on Monday, February 15th in observation of Presidents' Day.

**PUBLIC COMMENT:**

None.

**HEARINGS & PLANS:**

**1. Boot Rd. Storage Subdivision**

Mr. Weller reviewed his Memorandum dated February 5, 2021, providing an overview of the plan. He explained that no development is proposed, but merely a subdivision to provide an existing dwelling, presently on a commercial property, with its own lot. He further explained that in April of 2000, the Board of Supervisors approved the conditional use application of Lexington, Ltd. for construction of the self-storage facility located at 200 King Road. Condition #2 of the Decision and Order called for the creation of a separate, conforming lot for the eastern building. The current plan fills that condition.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve the subdivision plan entitled "Lexington, Ltd." for the property at 200 King Rd. as depicted on the single-sheet plan prepared by Edward B. Walsh & Associates, Inc. dated July 15, 2020 and most recently revised December 11, 2020, subject to the five waivers and conditions listed on page 1 of Mr. Weller's February 5, 2021 Memorandum. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**2. Ship Run Conditional Use**

A public hearing on the conditional use application of Ship Run Developers, LLC and 690 East Lincoln Highway Associates, LLC, to construct 95 single-family detached dwellings and 68 townhouse dwellings along E. Lincoln Highway began on October 28, 2020, and testimony concluded on November 10, 2020, at which time the Board directed the Township Solicitor to draft a Decision and Order with conditions of approval. The Solicitor's draft marked "Solicitor Draft 02.05.21" was reviewed.

A record of the hearing was taken by court reporter Elaine Parrish.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve the Decision and Order regarding the conditional use application of Ship Run Developers, LLC, and 690 East Lincoln Associates, LLC, for the construction of 95 single-family detached dwellings and 68 townhouse dwellings on the properties at 500 E. Lincoln Hwy. and 112 S. Ship Rd. in West Whiteland

Township. Mr. Kumbhardare called for public comment. Tim Hubbard, resident of Stonegate Court, asked about the status of the Township acquiring land from Aqua for the road alignment improvement. Mr. Otteni replied that Aqua is in general agreement, and the matter is moving forward. There being no further public comment, a vote was taken, and the motion was unanimously approved.

### **3. 690 E. Lincoln Associates Conditional Use**

A public hearing on the conditional use application of 690 East Lincoln Highway Associates, LLC, to construct a convenience store and gas station at the southwest corner of Lincoln Highway and Ship Road intersection began on October 28, 2020 and testimony concluded on November 10, 2020, at which time the Board directed the Township Solicitor to draft a Decision and Order with conditions of approval. The Solicitor's draft marked "Solicitor Draft VMP02.05.21" was reviewed.

Mr. Pompo noted that the Applicant requested a change to condition #1 such that responsibility for the various traffic improvements and modifications shall be memorialized in future documents, as it is early in the design process. Mr. Pompo said he and Staff find the requested change acceptable. Mr. Otteni added that it will protect both the Township and the Applicant.

A record of the hearing was taken by court reporter Elaine Parrish.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to approve the Decision and Order regarding the conditional use application of 690 East Lincoln Associates, LLC, for the construction of a convenience store and gas station on the property at 690 E. Lincoln Hwy. in West Whiteland Township, with the amendment to condition #1 as stated. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

### **4. Dunwoody Drive Outdoor (Catalyst) Conditional Use Hearing**

A public hearing was held on the conditional use application of Dunwoody Drive Outdoor, LLC (Catalyst) to construct a 2-sided billboard adjacent to the northbound lane of the U.S. Route 202 expressway. Testimony previously began on January 27, 2021.

In virtual attendance on behalf of the Applicant were Attorney John Snyder, from Saul Ewing Arnstein & Lehr; Patrick Wolfington of Dunwoody Drive Outdoor; Dan Daley, civil engineer with Edward B. Walsh & Associates; and Ray Digby of Watchfire Signs. Attorney Ryan Jennings was in virtual attendance on behalf of West Whiteland Township.

Testimony was given by Patrick Wolfington, Dan Daley, and Ray Digby. Public comment was received from West Whiteland resident Virginia Kerslake and East Whiteland resident Lynn Deithorn.

A record of the hearing was taken by court reporter Elaine Parrish.

The hearing was continued on the record to February 24, 2021, beginning at 6:30 p.m.

**CONSENT AGENDA:**

Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve the Consent Agenda consisting of the following:

- Minutes of January 27, 2021
- Resolution 2021-14 Disposition of Media

Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**BUSINESS:**

**1. Approval of Budget Amendment for Equipment Replacement Fund**

Mr. Culp explained that the budget amendment is to replace the Township's 13-year old dump truck that is in need of many repairs. The amendment will not change the bottom line of the Township's 2021 general fund budget; rather, the truck will be paid for with accumulated funds from Fund 50 (Vehicle/Equipment Replacement Fund)

Ms. Santalucia made a motion, seconded by Mr. Anderson, to amend the 2021 Budget to increase line item 505500-3213 to \$471,000. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**2. Police Policy for Approval – Mental Health Evaluations for Law Enforcement Officers**

Mr. Benson reviewed his Memorandum dated February 4, 2021 and explained that the proposed policy will ensure compliance with a recent law passed regarding mental evaluations for officers. He added that Critical Incident Stress Management (CISM) counseling is always available to officers to provide support following traumatic incidents.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to approve the policy entitled Mental Health Evaluations for Law Enforcement Officers noted in Chief Benson's Memorandum dated February 4th, 2021 for inclusion in the West Whiteland Township Police Policy and Procedure Manual. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**3. Authorization for Afterhours Use of Albert C. Miller Park for Movie in the Park Night on May 22<sup>nd</sup>**

Mr. Culp advised that all COVID protocols will be followed for the requested event. Mr. Kumbhardare asked about general parameters for afterhours use of the Park. Ms. Gleason explained that the Park closes at dusk, but there is a provision in the Ordinance that the Board of Supervisors may grant special permission. She said this is done on a case-by-case basis so that all factors of the request can be considered.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to authorize the afterhours use of Albert C. Miller Park for an outdoor Movie in the Park Night on May 22, 2021. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**4. Authorization for Sound Amplification in Albert C. Miller Park on Sunday, April 4<sup>th</sup> (Easter)**

Ms. Santalucia made a motion, seconded by Mr. Anderson, to authorize the use of sound amplification in Albert C. Miller Park for Easter Service on April 4, 2021 from 10:00 a.m. to 11:30 a.m. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**5. Accounts Payable Warrant Report**

The Board reviewed the Accounts Payable Warrant Report and Staff responded to questions regarding payments to the West Whiteland Fire Company, Horn Plumbing & Heating, and voided checks from the Sewer Fund.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve the Accounts Payable Warrant Report dated February 10, 2021. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**6. Township Commission Updates from Board Liaisons**

Ms. Santalucia reported that the Friends of the Parks met and discussed a virtual Easter Egg Hunt and virtual craft fair in May. The group is exploring ways to interact with the community during the pandemic. The West Whiteland Fire Company does not have the manpower at this time to chauffeur the Easter Bunny to all of the neighborhoods, which requires multiple trucks and costumes. Other possible options were discussed.

Mr. Kumbhardare advised that the Planning Commission reviewed the Boot Road Storage Subdivision plan as well as the plan of Raj Real Estate to construct a warehouse to serve as an accessory use to the adjacent Apna Bazar Market on Tabas Lane.

**7. Staff Updates**

Mr. Kumbhardare asked about developing a property maintenance ordinance. Ms. Guarnere said Staff is working on this internally as part of an update to the rental ordinance that will be coming before the Board in the next few months.

Ms. Guarnere advised that it appears demolition of the building at 500 N. Pottstown Pike could be close and there may be a buyer for the property.

Mr. Weller said that the Urban Land Institute (ULI) report on the Exton Crossroads was well received. Next steps will focus on public engagement regarding development and how best to implement recommendations.

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Chief Benson said the Police Department maintains a list of private property owners who have requested police traffic enforcement on their property. The Valley View residential development has requested such service which the police department will start providing. Exton Square Mall also recently affirmed their desire to continue the longstanding agreement for the police department to conduct traffic enforcement there.

**ADJOURNMENT**

The meeting adjourned at approximately 10:45 p.m.

Respectfully submitted,



Mimi Gleason  
Recording Secretary