



**WEST WHITELAND TOWNSHIP  
BOARD OF SUPERVISORS**

**BUSINESS MEETING**

Minutes of the First March Meeting

March 10, 2021

**1. Call to Order**

Chairman Rajesh Kumbhardare called to order the first March meeting at 6:35 p.m. The meeting was held via Zoom due to the COVID-19 pandemic.

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  
John Weller – Planning Director  
Justin Smiley, Township Planner  
Beth Jones – Finance Director  
Marie Guarnera – Codes Director  
Andrew Rau, Solicitor  
Vince Pompo- Special Counsel  
Pat Layman – Minutes

**ANNOUNCEMENTS:**

The Board of Supervisors met in executive session prior to tonight's meeting to discuss matters of real estate and litigation.

**PUBLIC COMMENT:**

None.

**HEARINGS & PLANS:**

**1. 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.

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 from Edward B. Walsh & Associates; and Ray Digby from Watchfire Signs. In virtual attendance on behalf of the Township were Attorney Ryan Jennings from Unruh Turner Burke & Frees; Thomas Comitta, town planner and landscape architect and President of Thomas Comitta Associates; and C. Stanley Stubbe, lighting consultant and owner of Stubbe Consulting, LLC.

Testimony was given by Patrick Wolfington, Dan Daley, Thomas Comitta, and C. Stanley Stubbe. Comments and questions were received from West Whiteland resident Virginia Marchille-Kerslake and East Whiteland resident Lynn Deithorn.

A record was taken by court reporter Elaine Parrish.

The Board directed Mr. Pompo to draft a Decision and Order with appropriate conditions. The hearing was continued to April 14, 2021, 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 February 24, 2021
- Accounts Payable Warrant Report
- Resolution 2021-16 Disposition of Media
- 2 Tabas Lane Land Development Extension Request

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

Mr. Kumbhardare requested Staff to provide Township costs associated with the recent snowstorms at the next meeting.

**BUSINESS:**

**1. Adoption of Verizon Franchise Agreement Ordinance No. 459 and Resolution 2021-17**

Ms. Gleason reviewed her Memorandum dated March 3, 2021.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to approve Ordinance No. 459 authorizing execution of a cable franchise agreement between West Whiteland Township and Verizon. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**2. Adoption of Traffic Ordinance No. 460**

Mr. Otteni noted that the proposed Ordinance has been duly advertised.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to adopt Ordinance No. 460 adding speed limits and updating stop sign intersections. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**3. Amendment to OPEB Trust and Pensions Investment Policy Statements**

Ms. Jones reviewed her February 16, 2021 Memorandum and explained that the proposed investment policy statements have been revised to include language regarding Environmental, Social, and Governance (ESG) investing principles requested by the Board of Supervisors. In addition, the policy statement for the restricted trust for "other post-employment benefits" (OPEB) was updated for consistency with the pension policy statements.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve the Investment Policy Statements for the Police and Non-Uniformed Pension Plans and the OPEB Trust as recommended to the Board of Supervisors by the Pension Advisory Board. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

**4. Police Policies for Approval: Duty to Disclose Exculpatory Evidence and Sick Leave Policy**

Chief Benson reviewed his March 4, 2021 Memorandum, noting that the Duty to Disclose Exculpatory Evidence is a newer policy that reflects the state of the law at this time and has been reviewed by the Solicitor's office. The Sick Leave policy was updated for consistency with the collective bargaining agreement and covers all types of sick leave for Officers. It was vetted by the labor attorneys for both the Township and the Police Officers Association.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to approve the policies "Duty to Disclose Exculpatory Evidence" and "Sick Policy" noted in Chief Benson's memo dated March 4, 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.

#### **5. Approval of Time Extension for Temporary Sign at Main Street at Exton**

Mr. Weller explained that due to the COVID pandemic, the Applicant has requested that the temporary signs advertising the Ashbridge Apartments be allowed to remain in place until the end of this year.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to direct the Zoning Officer to proceed with approval of an amendment to the Comprehensive Signage Package for Main Street at Exton to allow the temporary signs originally permitted in August 2019 to remain in place until December 31, 2021.

#### **6. Authorization to Update the Act 209 Fee for Transportation Improvements**

Mr. Smiley reviewed his March 5, 2021 Memorandum and noted that the Township's Transportation Capital Improvements Plan (CIP) and the Act 209 fee have been in place for five years. While many of the projects listed in the CIP have been or are in the process of being completed as part of development projects, others remain to be done. Staff is recommending an update to the traffic impact fee and has asked McMahon and Associates for a proposal to re-evaluate the cost estimates for the current projects based on current prices and inflation, which in turn would lead to an adjustment to the Township's Transportation Impact Fee. Included in this process would be a reconvening of the Transportation Advisory Committee to review the updated cost estimates and proposed impact fee. This review is required pursuant to the Municipalities Planning Code. Mr. Kumbhardare asked if an annual inflationary index could be incorporated. Staff will check with McMahon and Associates to see if this is allowed.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to authorize Staff to begin the process of updating the Act 209 Traffic Impact Fee and reconvening the Transportation Advisory Committee. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

#### **7. Township Commission Updates from Board Liaisons**

Mr. Anderson reported that the Historical Commission discussed the design and content of the plaques to be given to recipients of the Historical Preservation Awards and is actively reaching out to various groups who may be interested in the Witch's Cap.

Ms. Santalucia advised that the Friends of the Parks is working on a hybrid virtual Easter Egg Hunt that will entail signs with QR codes posted at four Township parks and opportunities for selfies to be promoted on social media. The Egg Hunt will run from March 20 through April 2 with delivery of baskets to the winners (random selection) on Saturday, April 3.

Ms. Santalucia reported on the pipeline meeting hosted by Senator Carolyn Comitta. Mr. Otteni estimated that the pipeline work in Meadowbrook Manor should be completed within the next three months.

Mr. Kumbhardare related that the Planning Commission reviewed amendments to the Subdivision and Land Development Ordinance, and the Public Services Commission discussed the Urban Land Institute report on the Exton Crossroads.

**8. Staff Updates**

Ms. Gleason thanked Mr. Smiley for his great efforts in posting the various exhibits for the Dunwoody Drive Outdoor Conditional Use hearing via Zoom Shared Screen. This allowed those in attendance to more easily follow along with the testimony given.

The Occupancy Report for March 2021 shows a steady increase in sales and rentals of various newly constructed residences within the Township.

**ADJOURNMENT**

The meeting adjourned at approximately 10:30 p.m.

Respectfully submitted,



Mimi Gleason  
Recording Secretary