



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the First March Meeting

March 13, 2019

1. Call to Order

Chairwoman Theresa Santalucia called to order the first March business meeting at 6:30 p.m. Those present besides Ms. Santalucia were as follows:

Michele Moll	-	Vice-Chairman
Elizabeth Jones	-	Member
Mimi Gleason	-	Township Manager
Pam Gural-Bear	-	Assistant Township Manager
John Weller	-	Planning & Zoning Director
Ted Otteni	-	Public Works Director
Joseph Catov	-	Police Chief
Amy Heinrich	-	Finance Director
Vince Pompo	-	Solicitor

ANNOUNCEMENTS:

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

The Easter Egg Hunt is scheduled for Saturday, April 13, 2019 at 10:00 a.m. at Boot Road Park.

POLICE RECOGNITION:

1. Recognition of Retired Police Captain John Krisch

The Board of Supervisors recognized Captain John Krisch who retired on January 31, after serving 30 years with the West Whiteland Police Department. During his career, he served as Field Training Officer and Officer in Charge before being promoted to the rank of Sergeant in 2000. In 2012, he was promoted to the rank of Lieutenant where he took over the role of Commander of the Patrol Division. In November 2013, he was promoted to the rank of Captain where he served until his retirement. Thank you Captain Krisch for your service to the Township and its residents.

2. Recognition of Newly Promoted Police Captain

Chief Catov introduced newly promoted Captain Matthew Herkner. Captain Herkner joined the department in July of 1996 and was promoted to Sergeant in 2009. In 2012, he was named Supervisor of the Criminal Unit, and in 2013, he was promoted to Lieutenant, overseeing the Patrol Division. Captain Herkner is a graduate of Delaware County Police Academy and a 1995 graduate of West Chester University with a degree in Criminal Justice. He also is a graduate of the 261st Session of the FBI National Academy in Quantico VA and the FBI-LEEDA (Law

Enforcement Executive Development Association) Seminar at Princeton University. During his 22 years at West Whiteland Township, he has served as Bike Officer, CPR and First Aid Instructor, and Officer in Charge. He, along with Canine Benny, were the first members of the Canine Unit. He is also a former member of the Whiteland Regional Emergency Response Team and the West Chester Regional Emergency Response Team.

The Honorable John R. Bailey issued the Oath of Office to Captain Herkner.

3. Recognition of Newly Promoted Police Lieutenant

Lieutenant Matthew Deceder joined the Department in December 1996. He is a graduate of the Montgomery County Police Academy and graduated from Pennsylvania State University with a degree in Administration of Justice in 1995. He also is a graduate of the University of Phoenix with a master's degree in Administration of Justice. During his 22 years with the department, he has served as Bike Patrol Officer, Field Training Officer, and Officer in Charge. He was promoted to Sergeant in 2005. In January of 2017, he took on the role of accreditation manager and was instrumental in the department receiving accreditation in November 2018. He also served on the Whiteland Regional Emergency Response Team.

The Honorable John R. Bailey issued the Oath of Office to Lt. Deceder.

4. Promotion of Police Sergeant

Sergeant Jeffrey McCloskey joined the Police Department on October 1, 2002. He is a graduate of Delaware County Police Academy. During his 16 years with the department he has overseen the department's in-car video and body-worn camera systems. He is a certified car seat installation technician and the department's lead accident reconstruction specialist. Sergeant McCloskey previously served as a motorcycle operator for the department and the Whiteland Regional Emergency Response Team. In March 2014, Sergeant McCloskey was assigned to the department's criminal investigative unit. He has received a department commendation for heroism and the Police Chiefs Association Medal for valor for rescuing a motorist from a burning car in 2003.

The Honorable John R. Bailey administered the Oath of Office to Sergeant McCloskey.

5. Swearing in of New Police Officers

Chief Catov introduced newly-hired Police Officer Kyle M. O'Brien. Officer O'Brien was previously employed with West Caln Township Police Department and is currently employed as a part-time Emergency Medical Technician (EMT) with Avondale Fire Company. He is a 2014 graduate of Downingtown East High School and a 2018 graduate of Delaware County Community College Municipal Police Academy. He is currently enrolled in classes at West Chester University.

The Honorable John R. Bailey administered the Oath of Office to Kyle O'Brien.

Chief Catov introduced Kyle J. McCorkle, new Police Officer with the Township. Officer McCorkle was previously employed with West Chester University Police. He is a 2012 graduate

of West Chester East High School and a 2017 graduate of West Chester University with a degree in criminal justice and a minor in Spanish. In December 2017, he graduated from Delaware County Community College Municipal Police Academy.

The Honorable John R. Bailey administered the Oath of Office to Kyle McCorkle.

6. Police Commendations

Chief Catov presented Captain John Krish, Lt. Matthew Deceder, and Officer Marc Meshurle with a Distinguished Unit Citation. On June 22, 2018, while responding to an erratic driver complaint, they removed the driver from the vehicle, administered Narcan and performed CPR on the driver. Through their collective and quick action, they were successful in reviving the driver and saving his life.

Juan Manuel Pina-Reyes was presented with a Citizens Award. On April 22, 2018, a vehicle traveling north on Pottstown Pike struck several objects before overturning and catching fire. Mr. Pina-Reyes and another motorist worked quickly to remove the driver from the burning vehicle. Without their unselfish actions, the driver would not have survived.

Chief Catov thanked everyone for coming out to support the Police Department as well as Judge Bailey for his time in issuing the Oaths of Office to newly promoted and newly hired officers.

PRESENTATION:

Landscapes3 – Brian O’Leary, Executive Director, Chester County Planning Commission

Mr. O’Leary gave an overview of Landscapes 3, the comprehensive plan for Chester County. The role of the comprehensive plan is to guide development and tackle land use issues that go beyond municipal boundaries, such as transportation and economic development. It provides a framework for the 73 municipalities within the County to work together with a common vision. That vision is for Chester County to continue to be strong in protecting natural areas, open space, and historic properties while also balancing the need to accommodate growth and keep our neighborhoods livable.

Mr. O’Leary showed a Landscapes Map depicting six categories of growth areas and rural resource areas, with historic preservation and natural landscapes overlays. He noted that 28% of Chester County land area is protected open space. Ms. Jones asked how much of that is in West Whiteland and Mr. O’Leary said he would follow up with data. He reviewed the goals outlined in Landscapes 3, which include preservation of open space and protection of natural areas, appreciation of historic preservation, making livable communities with affordable house, economic development, and transportation connections. He outlined current and future projects such as extensions of the Chester Valley Trail and expansions of the train and bus lines to provide more transportation choices. The plan encourages collaboration among the various municipalities and the need to be responsive to change (including climate, economy, and demographics).

Mr. O’Leary asked the Board for their endorsement of the plan.

PUBLIC COMMENT:

None.

CONSENT:

Ms. Moll made a motion, seconded by Ms. Jones, to approve the Consent Agenda consisting of the following:

- Minutes of February 27, 2019
- Accounts Payable Warrant Report dated March 13, 2019
- Resolution 2019-12 Disposition of Media
- Fed-Ex Ground Parking Expansion Escrow Close-out

Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

HEARINGS & PLANS:

1. ARD Exton Pad, LLC - Land Development Preliminary/Final

The land development application of ARD Exton Pad, LLC, is for construction of an addition to the former Malvern Federal Savings Bank building to accommodate continued use as a bank branch. Michael Gill, attorney with Buckley Brion; Jason Abrams; and Ryan Whitmore, project engineer with Landcore; and John Trotman, architect with CoreStates, were in attendance on behalf of the Applicant.

Mr. Weller reviewed his March 8, 2019 Memorandum. The Applicant proposes to retain the historic core of the building, remove the 2001 addition, and construct in its place a one-story addition for continued use as a bank. The historic core will be made available for community events after banking hours. The Zoning Hearing Board granted necessary relief on January 31, 2019, and both the Historical and Planning Commissions recommended approval with conditions. Mr. Trotman addressed the vertical window mullions on the addition and indicated that the Applicant is willing to alter the pattern to keep it more rectangular.

Ms. Moll thanked the Applicant for the improved sidewalk design along the Route 100 frontage, recognizing that it was a difficult site. Mr. Gill explained that the initial intention was to route pedestrians away from Route 100 into the bank site, but discussions with the Planning Commission and the Public Works Director revealed concerns that people would not divert into the property but would continue to walk a straight line even without sidewalk. Consequently, the Applicant placed the sidewalk close to the building, rather than diverting through the site or running too close to Route 100.

Ms. Jones made a motion, seconded by Ms. Moll, to approve the land development plan for ARD Exton Pad, LLC, for the partial demolition and construction of an addition to the existing building at 109 N. Pottstown Pk. as depicted on the 15-sheet plan set prepared by Landcore Engineering Consultants, PC, dated December 21, 2018 and most recently revised on February 7, 2019 with the waivers and subject to the condition nos. 1-11, as listed in John Weller's March 8, 2019 Memorandum. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

BUSINESS:

1. Resolution 2019-13 Endorsing Landscapes3

Ms. Jones made a motion, seconded by Ms. Moll, to enact Resolution 2019-13 endorsing Landscapes 3, the Chester County Comprehensive Plan. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

Ms. Jones thanked Ms. Gleason for her work on Landscapes3 and representing West Whiteland Township in that process.

2. Authorization to Bid Route 100 Pump Station Modifications

Mr. Otteni reviewed his Memorandum dated February 13, 2019.

Ms. Moll made a motion, seconded by Ms. Jones, to authorize advertisement of the Route 100 Pump Station Modifications Project and placement on PennBid for the solicitation of construction bids. Ms. Santalucia called for public comment. Mr. Altimari asked the estimated cost of the project. Mr. Otteni said the engineer's estimate is approximately \$600,000. There being no further comment, the motion was unanimously approved.

3. Approval of Township Policy: Controlled Substance and Alcohol Abuse CDL Testing Policy

Ms. Gural-Bear reviewed her Memorandum noting that the policy was revised to reflect changes in federal law for CDL drivers and to address medical marijuana. She said that all Supervisors and employees will be receiving training on the new policy within the next few weeks.

Ms. Jones requested that section Xii on "Confidentiality" be moved to the beginning of the policy, as this is crucial and needs to be stressed.

Referencing section IV B-2, Ms. Jones asked if it was the intent of the policy to restrict non-CDL drivers use of medical marijuana within the confines of the work day. Ms. Gural-Bear stated if an employee is issued a medical marijuana prescription, they are to report it to the Township. If they are to use marijuana during the work day, then it will need to be determined if their position is a safety sensitive position and if it will affect their ability to do their job. If so, then a plan will be created. Ms. Jones then asked if the requirement for the employee to report the card to the employer, even if they don't plan to use marijuana during the work day, is a state law or township policy. Ms. Gleason said for non-CDL employees the policy creates the obligation to report. She added that while the State has legalized medical marijuana, the Federal government has not. The Township is trying to establish a culture of transparency in requiring the employee to report the matter.

Ms. Jones asked how "potentially impairing drugs" will be defined. Ms. Gleason said the training will focus on examples of behavior to watch for versus a strict definition or list of drugs, as that list can change over time. Ms. Moll asked if the policy conflicts with privacy issues. Ms.

Gleason said the policy has been reviewed by Labor Counsel and found to be satisfactory. Ms. Gural-Bear added that the Township uses a medical professional service at DVIT to manage some situations in a greater effort to protect the privacy of the employee, while still protecting the Township from potential liability should an accident occur while an employee is under the influence of prescription medication. The professional third-party would receive details of the employee's prescriptions, but Township personnel (Supervisors, Human Resources, Township Manager) would not.

Ms. Jones made a motion, seconded by Ms. Moll, to approve the revised Controlled Substance and Alcohol Abuse Prevention Testing Policy for inclusion in the West Whiteland Township Employee Handbook, with all references to "non-CDL drivers" being changed to read "non-CDL employees", and moving Section XII dealing with confidentiality up to Section III, and renumbering subsequent sections accordingly. Ms. Santalucia called for public comment. Mr. Altamari said it appears that there are two different standards since a driver potentially could be cited for driving under the influence while taking medical marijuana. Ms. Jones explained that it is not illegal for an employee to come to work while taking prescription medication. There being no further comment, the motion was unanimously approved.

4. Resolution 2019-14 Adopting Amended Fee Schedule

Ms. Moll made a motion, seconded by Ms. Jones, to adopt Resolution 2019-14 amending the General Fees Resolution to reflect the fee for use of an off-duty police officer and vehicle on a designated holiday. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

5. Authorization for Temporary Road Closures

a. Swedesford Rd.

Ms. Moll made a motion, seconded by Mr. Jones, to authorize the temporary road closure of Swedesford Road between Valley Creek Blvd and Ship Road, in both directions, for the annual Cinco de Mayo Benefit Bike Ride and Walk occurring on Saturday May 5, 2019 from 8 AM to 12:00 PM. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

b. James Hance Court and Portion of Thomas Jones Way

Ms. Jones made a motion, seconded by Ms. Moll, to authorize the temporary road closure of James Hance Court, in both directions, and a small portion of Thomas Jones Way leading to Collegium 150 building on Saturday June 1, 2019 from 8 AM to 11 AM. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

6. Staff Updates

Mr. Otteni provided an update on the sewer line break that occurred last week along Katie Drive. The Public Works Department responded quickly to resolve the matter.

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ADJOURNMENT

The meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Mimi Gleason', with a long horizontal flourish extending to the right.

Mimi Gleason
Recording Secretary