



WEST WHITELAND TOWNSHIP BOARD OF SUPERVISORS

BUSINESS MEETING

Minutes of the Second June Meeting

June 24, 2020

1. Call to Order

Chairman Rajesh Kumbhardare called to order the second June business meeting at 6:45 p.m. He reviewed the procedure and guidelines for the meeting being held via Zoom due to COVID-19 pandemic. The agenda and meeting packet are on the Township's website. Mr. Kumbhardare then 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. A 30-minute time frame will be allowed for all public comment. Residents are encouraged to e-mail with any questions not answered.
 - 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.
 - 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
Vince Pompo, Solicitor
Mimi Gleason, Township Manager
Pam Gural-Bear, Assistant Township Manager
Beth Jones, Finance Director
Lee Benson – Police Chief
Ted Otteni – Public Works Director
Ed Culp – Assistant Public Works Director
Caroline O'Connor – Public Works Coordinator
Mark Moses – Director of Codes
John Weller – Director of Planning & Zoning
Pat Layman – Minutes

ANNOUNCEMENTS:

The Township will be closed on Friday, July 3rd in observation of Independence Day.

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

PUBLIC COMMENT:

Lora Snyder, of Edgmont Township, asked about work being done on Lisa Drive. Mr. Otteni said the work was being directed by the PUC, and he will try to get an update on the activity.

Referring to the sinkhole in Lincoln Highway, Virginia Kerslake, resident of 103 Shoen Road, asked how the Township knows that this was not caused by Energy Transfer. Ms. Gleason and Mr. Kumbhardare both responded that a number of agencies including the PUC, DEP and PennDot were monitoring the investigation into whether there are additional voids underground in that area. The void that Energy Transfer found was ahead of the area that has been bored so far and therefore couldn't be caused by the boring. All agencies are permitted Energy Transfer to resume boring. Chris DiGiulio, of Upper Uwchlan Township, requested the data. Mr. Otteni noted that this should be a direct inquiry to PennDOT, as Lincoln Highway was a state road. He added that the Township was merely relaying information that was provided to it.

DISCUSSION:

West Whiteland's commitment to racial justice

Ms. Santalucia made a motion, seconded by Mr. Anderson, to enact Resolution 2020-27 renewing the Township's efforts to end systemic racism and overcome bigotry. Mr. Kumbhardare called for public comment. Senator Andrew Dinniman said the Resolution was similar to one passed in the State Legislature and thanked the Supervisors for their commitment to racial and social justice. Senator Dinniman suggested that the Township invite members of the community to come together for a conversation on the matter and offered to help coordinate that effort. Mr. Kumbhardare said the Township will reach out to Senator Dinniman to coordinate such an event.

Andrea Morganstein, of 474 Bala Terrace, asked what type of training will be provided to staff and when will police data be available. Ms. Gleason said she welcomes suggestions and is looking into going deeper than run-of-the-mill training done in the past. She said they are looking to do activities in small groups of possibly 15 employees to discuss the book "White Fragility" and are working with a facilitator for this. Ms. Morganstein suggested viewing the documentary "13th".

Responding to Ms. Morganstein, Chief Benson said he is currently looking into how to analyze the police data and is extracting information from other databases as well as the Township's but had no timeline for when this will be available. Ms. Morganstein suggested the Adverse Childhood Experience (or ACEs) Study on how the brain responds to trauma be included in police training as a resource; there also is a TED talk that explains ACEs. There was discussion about how the Study could help with de-escalation response by Police.

Kristin Austin, resident of Valley View, suggested that the Township's website include more resources and connections for people of color, providing a list organizations that they can connect with. Ms. Austin offered to help with that effort.

2019 Audited Financial Statements for Township Funds and Pensions

Ms. Jones introduced Chris Herr, with Maillie, LLP, who provided a summary of the Township 2019 Financial Statements. Mr. Herr described the audit process and highlighted changes from previous years. Building permits dropped about \$1.2 million from the previous year, following the spike in permit revenue in 2018; overall revenues were down about \$300,00 and expenses were down about \$50,000. Once again, the Township received a "clean audit" meaning that it complies with all government accounting principles and practices and all documents requested were received. A review of internal controls was found to be satisfactory. A subsequent event footnote was issued noting that COVID-19 is considered to be a significant event that could have a financial impact. The overall net position of the Township was up about \$1 million over last year. The complete 2019 Financial Statements can be found on the Township's website.

CONSENT AGENDA:

Ms. Santalucia made an amendment to the June 10, 2020 minutes to note that she had issued a verbal apology following comments she had made. Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve the Consent Agenda consisting of the following:

- Minutes of June 10, 2020, as amended
- Accounts Payable Warrant Report
- Resolution 2020-28 Disposition of Media

A roll call vote was taken, and the motion was unanimously approved.

BUSINESS:

1. Adoption of Parks Ordinance

Mr. Culp reviewed his Memorandum dated June 19, 2020. In response to a question from Ms. Santalucia, Mr. Culp advised that per the Ordinance, the regulations on prohibited commercial activity in parks will be enforced by the Township Manager, Township Zoning Officer, Code Enforcement Officer, and Police Officers.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to adopt the ordinance amending the West Whiteland Township Parks and Recreation Areas Ordinance. Mr. Kumbhardare called for public comment and there were none. A roll call vote was taken, and the motion was unanimously approved.

2. Renewal of Farm Lease

Mr. Culp reviewed his Memorandum dated June 19, 2020 and explained that a portion of the Exton Park grounds is leased for farming. The Master Plan for Exton Park calls for a portion of the land under the lease to be reclaimed for park development with the leasing fee adjusted

accordingly. With development of recreational area near Swedesford Road apart to start, the lease needs to be revised.

Mr. Anderson made a motion, seconded by Ms. Santalucia, made a motion, to approve the Exton Park Agricultural Lease as revised to accommodate the upcoming improvements to Exton Park. Mr. Kumbhardare called for public comment and there were none. A roll call vote was taken, and the motion was unanimously approved.

3. Approval of Policies for Police Department

Chief Benson reviewed his Memorandum dated June 19, 2020, noting that the Internal Affairs and Holding Facility Policies were previously approved but are presented tonight with minor revisions.

James Duffy, resident of Durant Court and member of the Public Services Commission, expressed several concerns regarding the proposed policies including:

- no definition about who is considered "internal affairs",
- the possibility to administratively reassign an Officer who has used force,
- the requirement to complete investigations within 30 days may be too hasty,
- the lack of clear prioritization for the preferred method for memorializing conversations that are conducted for investigations, and
- no reference curriculum for sensitivity training.

Chief Benson responded that the policies are guidelines, as it is not possible to anticipate every situation that an Officer could encounter. He noted that extensions of the 30-day completion of investigations are often granted. Internal affairs are documented thoroughly. He added that West Whiteland steps aside in criminal investigations with the County and/or the Attorney General taking the lead. Sensitivity training is constant and ongoing for all types of calls. Ms. Gleason suggested that Mr. Duffy meet with Chief Benson for further explanation and discussion about how compliance with the policies are tracked.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve the Internal Affairs and Holding Facility and Processing Policies for inclusion in the West Whiteland Township Police Policy and Procedure Manual. Mr. Kumbhardare called for public comment and there were none. A roll call vote was taken, and the motion was unanimously approved.

4. Appointment of Lee Benson as Open Records Officer (Police)

Ms. Santalucia made a motion, seconded by Mr. Anderson, to appoint Chief Lee Benson as Open Records Officer for the Police Department. Mr. Kumbhardare called for public comment and there were none. A roll call vote was taken, and the motion was unanimously approved.

5. Approval of and authorization to sign contracts related to the pension plans

Reviewing her Memorandum dated June 24, 2020, Ms. Jones advised that on May 13, 2020, the Board of Supervisors approved the Pension Advisory Board's recommendation to contract with PFM Asset Management and US Bank for investment management and custodial

services for the Township's pension plans. All documents have been reviewed by the Township Solicitor and found to be satisfactory.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to approve the agreements with PFM Asset Management as West Whiteland Township's Investment Manager and U.S. Bank as West Whiteland's pension/OPEB custodian/trustee, naming the Township Manager, Finance Director, and Accounting Manager as Designated Persons with the authority to act on behalf of the Township in interactions with PFM and US Bank, and appointing the Township Manager and Finance Director as authorized officers with the authority to execute agreements with PFM and US Bank. Mr. Kumbhardare called for public comment and there were none. A roll call vote was taken, and the motion was unanimously approved.

6. Receive offer of Ultimate Right-of-Way from Moser Court, LLP

Mr. Otteni explained that the Moser Court land development approval required an offer of right-of-way for improvements to Whitford Road.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to adopt Resolution 2020-29 executing the Deed of Dedication to accept the ultimate right-of-way from Moser Court LLP, Parcel #41-5-5.5. A roll call vote was taken, and the motion was unanimously approved.

7. May Financial Report

Ms. Jones advised that the General Fund summary indicates that both revenues and expenses are down, and she expects another dip in revenues next quarter resulting from the pandemic. There was discussion about whether the Board would want to see revenue reported as a credit (or negative number), which is the default in the Township's accounting software, so that the totals for each fund in the report would reflect the accurate net surplus or deficit. The Board agreed that instead of presenting revenues as negative numbers, which could cause confusion for the public, Ms. Jones will manually add net amounts to future reports.

8. Township Commission Updates from Board Liaisons

Mr. Kumbhardare reported that the Planning Commission previously reviewed plans for a Wawa convenience store at the former Entenmann's site, and residential single family and townhome units on the Laborers property and on Lincoln Highway across from Whiteland Business Park. In addition, the Commission reviewed a residential sketch plan for the Weston tract that would require rezoning, which was not well received because of the amount of density proposed that is not in keeping with the surrounding neighborhoods. No actions were taken by the Planning Commission on any of the plans presented.

9. Staff Updates

Ms. Gleason advised that the Township fields and playgrounds will open with Chester County's move to the Green phase on June 26th. Mr. Culp said the courts in Meadowbrook Manor are budgeted to be resurfaced and set up for tennis pickle ball this year, but the work cannot start until Energy Transfer completes pipeline construction by the courts.

ADJOURNMENT

The meeting adjourned at approximately 9:00 p.m.

Respectfully submitted,

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

Mimi Gleason
Recording Secretary