



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the Second July Meeting

July 22, 2020

1. Call to Order

Chairman Rajesh Kumbhardare called to order the second July business meeting at 6:40 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
Mark Moses – Director of Codes
John Weller – Director of Planning & Zoning
Pat Layman – Minutes

ANNOUNCEMENTS:

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

Amtrak has closed Whitford Road between Clover Mill Road and Spackman Lane from July 6-August 17, weekdays from 8:00 AM to 3:00 PM, for beam rehabilitation. Motorists are directed to use Boot Road, Route 100 & Lincoln Highway.

PUBLIC COMMENT:

Annette Murray, of 502 Winding Way, expressed concern about the sinkholes on Lincoln Highway and asked that the Township either file a Petition for Emergency Relief with the PUC to stop operation of Mariner East I or have the Police shut them down. Ms. Gleason responded that the police do not have the power to shut down construction or arrest people unless a criminal law was broken and to date, that has not happened. She further explained that a Petition for Emergency Relief has to be based on proof of some kind of immediate threat and the Township does not have proof of that as the sinkholes are not over the operating pipelines. The PUC's Bureau of Investigation and Enforcement is investigating to determine whether there is a risk to any of the pipelines. The Board of Supervisors will send a letter to the PUC asking them to shut down the operating pipelines until that investigation is complete.

Libby Madarasz, of 205 Locust Lane, thanked Mr. Kumbhardare for his efforts in visiting the site numerous times. She asked why the cracks have not been filled. Ms. Gleason explained that originally, the PUC told Sunoco not to fill the cracks, but to monitor them. PUC then ordered more geophysical testing, so the cracks remained open. The PUC has since approved filling the cracks, but Energy Transfer maintains that the cracks are a naturally-occurring slide. Ms. Gleason said the PUC may disagree but has not yet reviewed the data from the just-completed geophysical testing. Ms. Madarasz asked if any permits have been issued for temporary sheds on Lisa Drive. Mr. Moses said he was not aware of any permits but will visit the site tomorrow.

On another topic, Ms. Madarasz suggested shuttle buses be run to the Train Station to help alleviate traffic within the Township. Ms. Gleason said the idea has been discussed with developers of apartment complexes as well as Chester County Transportation. If there is sufficient interest, it may be explored. Mr. Kumbhardare noted the multi-modal path to the Train Station can be used also.

Cheryl Wardle, of 109 Shoen Road, felt that Sunoco should have been required to conduct geophysical testing before construction, not after or during. Ms. Gleason said Pennsylvania does not have regulations requiring that, but agreed they are needed. She further explained that for a Petition for Emergency Relief to be successful, it must cite a regulation that was not met, and currently no such regulation exists. The Township has sent many letters to the PUC and will send another one.

Chris DiGulio, of Upper Uwchlan Township, encouraged the Township and the County to conduct their own geophysical testing. Frankie Chiquoine, of 439 E. Lincoln Highway, offered pictures and videos she has taken of the sinkholes, and expressed concern over her house foundation. Mr. Kumbhardare advised her to request an inspection be done on the foundation by an inspector of her choice to be paid for by Sunoco.

Carrie Gross of Uwchlan Township also encouraged the Township to file a Petition for Emergency Relief. Annette Murray was concerned that the dewatering process will cause the

walls of the bore pits to collapse. Libby Madarasz noted that she observed fourteen 2,000-gallon water trucks leaving the site in one day.

CONSENT AGENDA:

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

- Minutes of July 8, 2020
- Accounts Payable Warrant Report
- Resolution 2020-33 Disposition of Media

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

BUSINESS:

1. Authorization to go to bid for residential trash and recycling collection contracts

Ms. Gleason said the bid will include different options for collected recycling material to be owned by the hauler or the Township. Under the existing contract, the hauler owns the recycling material which they could then sell. However, with the change in the recycling market, the haulers now have to pay to dispose of most recyclables. If the Township owns the recycling materials, it could participate in a cooperative County-run program and explore whether that would be a less expensive means of disposal.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to authorize advertisement and bidding for residential trash and recycling collection contracts. A roll call vote was taken, and the motion was unanimously approved.

2. Approval of Policies for Police Department

Chief Benson reviewed the various policies explained more fully in his memorandum dated July 16, 2020. The Crime Watch policy is the only new policy; they others contain revisions. In the interest of transparency, the Crime Watch technology will provide access to citizens with single-click distribution of information that impacts their safety via social media, website, and apps.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to approve the following policies:

- Crime Watch
- Automated License Plate Recognition System
- Cash Fiscal Management
- Protection from Abuse Requirements

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 Revised Paid Time Off/Leave Policies for Non-Uniform Employees

Ms. Gural-Bear explained revisions to the Non-Uniform Employees' Paid Time Off/Leave Policies. "Niece and Nephew" were added to the Bereavement policy and the Personal Leave Policy was eliminated with the personal day previously allotted to employees being added to the vacation day banks. Ms. Santalucia noted that the "consecutive" days off for bereavement may be difficult to achieve during the current pandemic and suggested the word "consecutive" be deleted.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve sections 6.5 (Bereavement Leave) with deletion of the word "consecutive" and 6.9 (Vacation Leave) and to eliminate section 6.8 (Personal Leave) of the Non-Uniform Employee Handbook updating policies for employee paid time off. Mr. Kumbhardare called for public comment, and there were none. A roll call vote was taken, and the motion was unanimously approved.

4. Authorization to go to bid for Exton Park

Mr. Otteni reviewed his Memorandum dated July 16, 2020.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to authorize advertisement of the Exton Park Swedesford Recreation Area project and placement on PennBid for the solicitation of bids. Mr. Kumbhardare called for public comment, and there were none. A roll call vote was taken, and the motion was unanimously approved.

5. Resolution 2020-34 Traffic Signal Improvements

Mr. Otteni explained that PennDOT is replacing the traffic controller in 26 traffic signals within the Township. The change will allow PennDOT to make timing changes to improve traffic flow during special situations such as accidents on the Turnpike necessitating traffic to exit onto other routes.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to enact Resolution 2020-34 authorizing the Director of Public Works to sign the PennDOT Application for Traffic Signal Approval for the traffic signal improvements at 26 intersections as a part of the PennDOT US 30 Advance ITS Improvements Project. Mr. Kumbhardare called for public comment, and there were none. A roll call vote was taken, and the motion was unanimously approved.

6. June Financial

Ms. Jones reported that tax revenues were down slightly due to the COVID Pandemic, but less than expected given the disruption to the economy from COVID-19. We will have a better feel for year-end revenue projections when the second quarter earned income tax payments are received at the end of August.

7. Township Commission Updates from Board Liaisons

Mr. Anderson reported that the Pension Advisory Board recommended the Board of

Supervisors approve the Investment Policy Statements for the Police and Non-Uniform Pension Plans developed by PFM Management, the new pension investment advisor. The policy will be on the Supervisors' agenda on August 12. The Historical Commission discussed how their comments and recommendations are communicated to the Planning Commission.

Mr. Kumbhardare advised that the Planning Commission reviewed the Conditional Use application for the Township's Public Works facility and recommended approval with a 6-1 vote. The Commission also reviewed a Sketch Plan for Columbia Cottage, a one-story senior care facility near the intersection of Ship and Boot Roads. The plan would require a minor change to the Zoning Ordinance. The Applicant was advised to reach out to the local ambulance companies to discuss anticipated needs so as not to overburden EMS facilities.

8. Staff Updates

Mr. Otteni reported that the Township received a Grant in the amount of \$940,000 for the construction of the northern leg of the Ship Road Couplet. The larger southern leg will be built by developers of the adjoining parcels at no expense to the Township.

Mr. Otteni provided pictures of a tree that fell during a recent rain storm and broke a manhole near the Clover Mill Pump Station. Public Works staff has been working on emergency repairs.

Ms. Jones advised that the Township had a very successful bond sale on Tuesday, the proceeds of which will help fund the new Public Works facility, Exton Park development, and Township building improvements, as well as refinance existing debt. The very favorable interest rate of 1.43% was due in part to the Township's Aaa bond rating. This is Moody's highest rating. Ms. Gleason thanked Ms. Jones, Chris Bamber with PFM, and Lamb McErlane for their work on the bond sale.

ADJOURNMENT

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

Respectfully submitted,



Mimi Gleason
Recording Secretary