



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the Second July Meeting

July 24, 2019

1. Call to Order

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

Michele Moll	-	Vice-Chairman
Beth Jones	-	Member
Mimi Gleason	-	Township Manager
Pam Gural-Bear	-	Assistant Township Manager
John Weller	-	Planning & Zoning Director
Ted Otteni	-	Public Works Director
Matthew Deceder	-	Police Lieutenant
Amy Heinrich	-	Finance Director
Mark Moses	-	Codes Director
Vince Pompo	-	Solicitor

ANNOUNCEMENTS:

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

There will be a concert in Miller Park on Sunday, July 28th, 6:30 p.m. featuring the music of Midnight Hour.

Neighborhood University classes begin on September 12. You can enroll now at www.nugwc.org

PUBLIC COMMENT:

Several residents were in attendance to express their concerns regarding the Sunoco pipeline.

Virginia Kerslake, of 103 Shoen Road, read a letter to the Board of Supervisors expressing concern with Sunoco's proposed change to direct bore drilling, noting that the method is more intrusive and closer to homes. The letter also stated that the pipelines are being installed too close together against federal regulations, which require a minimum of 12 inches between pipelines. She urged the Board of Supervisors to immediately file a Petition for Emergency Relief with the Pennsylvania Public Utility Commission to pause the operation and construction of the pipelines until these issues can be addressed. The letter was signed by the West Whiteland Residents for Pipeline Safety and DelChesco United for Pipeline Safety. Ms. Kerslake presented copies of the letter and supporting documents to the Board.

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Stacy Lavelle, of 300 Quinn Ct., advised that she was notified last week that boring was to begin on her easement and that the pipes would be laid 1 inch apart, yet the DEP permit states that the pipes will be several feet apart. She said Sunoco representatives told her the change would make construction quicker and easier. When she questioned DEP and the PUC, they each claimed it was not within their purview. She said the time to act is now before the pipes are laid.

Jerry McMullen, of 200 Hillside Drive, asked why no one from the Township attended Senator Dinniman's event and asked if the Board shared the residents' concerns. Board members explained that they were unable to attend but did live stream the event and heard the residents' concerns.

Ms. Jones said the Township received notification today that Sunoco has applied to DEP for a permit to address the two exposed pipes in the stream near Stolen Sun Brewery. Township staff will review the plans to try and determine whether Sunoco did indeed relocate Mariner East 1 below the stream.

Ms. Santalucia noted that the Township is working with the Chester County Association of Township Officials on comments for the PUC's rulemaking process for pipeline regulations.

Diane Salter, of Valley View Drive, expressed frustration with living 24/7 directly in the path of construction. Ms. Moll assured Ms. Salter that the Board hears and understands her concerns even if they do not live in the direct construction path.

Victor Murray, of 502 Winding Way, questioned the Township's liability should a catastrophic event occur with the pipeline referencing the exposed pipes in the stream. Mr. Pompo, Township Solicitor, said the Commonwealth has ownership of the stream beds and as such their exposure would be greater. He further stated that ultimately the pipeline operator is responsible.

Ms. Jones then reviewed the suggestions received from residents to ensure that none were missed. They include: Township file a Petition for Emergency Relief with the PUC; Township write a strongly worded open letter; notify the media of efforts being made.

David Mano, of 158 Valley View Drive, requested that he be notified if and when the permits are approved to begin drilling again on Shoen Road so that he can have his water tested before construction begins. Ms. Gleason said she will notify Mr. Mano via e-mail.

Residents from other municipalities were also in attendance expressing concerns with the pipeline since some work and/or shop within West Whiteland. Ms. Moll assured everyone that the Township does have an emergency plan, as does the County.

Ms. Santalucia urged everyone from surrounding municipalities to write to their local officials next spring and urge them to attend the various conferences and voting sessions, specifically the Pennsylvania State Association of Township Supervisors (PSATS) conference, where they can vote on resolutions on issues like those discussed tonight.

HEARINGS & PLANS:

1. King Industrial Land Development

Mr. Weller reviewed his Memorandum dated July 19, 2019. The application of King Industrial, LLC is for construction of a 36,000 square foot non-residential building on a lot located at 1420 Phoenixville Pike currently developed with two non-residential buildings (the Ransome Caterpillar site). The project complies with all applicable area and bulk standards of the I-1 Zoning District. Conditional use approval for the project was granted on August 8, 2018. The site is within 300 feet of an historic resource. The Historical Commission reviewed the plan on March 11 and determined no adverse impact. The Planning Commission issued a motion recommending approval with conditions on June 4. The plan has since been revised to address the conditions, and new reviews have been received from the consultants. The Applicant has agreed to make a donation to the sidewalk fund in lieu of a sidewalk. There will be a traffic impact fee of \$31,700 and a fee-in-lieu of open space of approximately \$33,000.

Andrew Eberwein from Edward B. Walsh & Associates was in attendance of behalf of the Applicant. Ms. Moll asked about the Chester County Planning Commission's recommendation of an 80-foot right-of-way (for future road widening of Phoenixville Pike). Mr. Weller said the required 50-foot right-of-way is provided, and the proposed improvements do not begin to approach this right-of-way. Mr. Eberwein said PennDOT would not accept additional right-of-way at this time since it would then be responsible and liable for it and added that if and when PennDOT seeks to widen Phoenixville Pike, it will acquire any additional right-of-way through proper channels and established procedures.

Mr. Eberwein assured the Board that construction vehicles and equipment will not block or impede traffic during construction of the site and will be kept onsite inside the facility. Construction entrance controls will be placed around the perimeter of the property.

Ms. Jones made a motion, seconded by Ms. Moll, to approve the land development plan titled "1420 Phoenixville Pike" for construction of a building at that address as depicted on the 18-sheet plan set prepared by Edward B. Walsh & Associates, Inc., dated October 19, 2018 and most recently revised on June 28, 2019, subject to condition nos. 1-15 as outlined on pages 1-3 of John Weller's July 19, 2019 Memorandum. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

2. Peirce Middle School Land Development

In attendance of behalf of the Applicant was Attorney Amanda Sundquist from Unruh Turner Burke and Frees and Kevin Campbell from the School District.

Mr. Weller reviewed his July 19, 2019 Memorandum. The application of West Chester Area School District is for construction of a 2,940 square foot modular classroom (3 classrooms) addition to the existing Peirce Middle School. The plan received a motion recommending approval from the Historical Commission on July 8 and the Planning Commission on July 16. Of the Township's standard development agreements, only the Developer Agreement will be required due to the nature of the project and the fact that the Applicant is a public agency. No financial security is needed and since the project is temporary, no stormwater facilities maintenance

agreement is needed. The project is outside the transportation service area, so no traffic impact fee is required, and as an institution, there is no open space requirement. The Bicycle and Pedestrian Plan does not identify public sidewalk along Burke Road, but the Applicant will have internal walkways for the students to get to the modular classrooms. Mr. Weller said there is no requirement for security lighting for the project.

Ms. Moll made a motion, seconded by Ms. Jones, to approve the land development plan of the West Chester Area School District for the construction of a modular classroom addition not to exceed 2,940 sq. ft. at the Peirce Middle School at 1314 Burke Rd. as depicted on the 9-sheet plan set prepared by D.L. Howell & Associates, Inc., dated June 14, 2019 and most recently revised July 12, 2019, subject to condition nos. 1-5 as outlined in John Weller's July 19, 2019 Memorandum. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

CONSENT:

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

- Accounts Payable Warrant Report dated July 24, 2019
- Resolution 2019-26 Disposition of Media
- Genesis Healthcare Closeout

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

BUSINESS:

1. Township Commission Updates from Board Liaisons

Ms. Jones advised that the Pension Advisory Board met on July 17 and welcomed its newest member, Jack Ellis. A topic of discussion was whether the PAB will continue to actively manage the pension funds or whether they will seek outside fund managers. The discussion will continue at the next meeting in October.

2. Approval of July 10, 2019 Minutes

Ms. Jones made a motion, seconded by Ms. Santalucia, to approve the July 10, 2019 Minutes. Ms. Santalucia called for public comment and there were none. The motion was approved 2-0-1 (Moll abstained).

3. Discussion of Future Financing Needs

Ms. Heinrich presented a mid-year draft of the Capital Plan and potential funding sources showing all the desired capital projects, potential timing, and possible funding. Staff requested feedback from the Board of Supervisors as to priority of projects and/or addition of projects not already in the draft Plan.

Ms. Heinrich said Staff is currently waiting for the result of grant applications but believes money will need to be borrowed for the new Public Works garage in the amount of \$3-4 million.

If the Board is interested in fast tracking some additional projects, such as various phases of Exton Park, then more could be borrowed, but she questioned whether additional funding could be used within a reasonable time frame.

There was then discussion of various projects and forms of funding, including bond issue and direct bank loans. Ms. Moll said she would prefer not to borrow for projects other than the Public Works garage but wait until other funding is available. Ms. Santalucia said she did not want to borrow money that could not be spent timely. Ms. Gleason said staff would proceed with analysis based on borrowing only for the garage.

4. June Financial Report

Ms. Heinrich presented the June Financial Report. The full year budget has been added to the report as previously requested by the Board.

5. Adoption of Open Burning Ordinance

Mr. Moses reviewed his Memorandum dated July 24 and explained that the intent of the proposed Ordinance is to prohibit the burning of waste, leaves, etc. but will exempt professionally manufactured burning appliances when used in accordance with the UL listing and manufacturers' specifications.

Ms. Moll made a motion, seconded by Ms. Jones, to adopt Ordinance No. 448 regulating open burning in West Whiteland Township. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

6. Approval of Agreements to Design New Public Works Facility

Ms. Gleason reviewed her Memorandum of July 19, 2019.

Ms. Moll made a motion, seconded by Ms. Jones, to approve, and authorize the Township Manager to sign, the preliminary fee agreement for design of a new Public Works Facility. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

7. Approval of Closure of Walkertown Road

Ms. Gleason explained that PKF-Mark III, Inc., the contractor working for Septa on the improvements to the Exton train station, will be reconstructing the sidewalk on Walkertown Road and installing concrete steps which will necessitate a temporary closing of Walkertown Road.

Ms. Jones, made a motion, seconded by Ms. Moll, to close Walkertown Road on Saturday, July 27, 2019, from 6:00 a.m. to noon. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

8. Authorization for Afterhours Use of Albert C. Miller Park

Ms. Jones made a motion, seconded by Ms. Moll, to authorize the afterhours use of Albert C. Miller Park for an outdoor Movie in the Park Night on Friday, August 16, 2019 and Saturday, September 14, 2019. Ms. Santalucia called for public comment and there were none. The motion was unanimously approved.

9. Staff Updates – Energy Plan

Ms. Gleason gave an update on the energy plan to transition the West Chester area to a 100% renewable energy for electricity by 2035 and all energy uses by 2050. A public workshop was held on July 11 with approximately 50 people attending. Cadmus, the consulting firm hired to assist, will submit a summary of the workshop by next week and a project website will be available shortly thereafter. The Advisory Committee is meeting weekly until November to ensure that the ultimate plan remains practical, realistic and geared toward what is necessary to succeed to meet those ambitious goals.

Mr. Otteni reported that the speed bumps on Waterloo Boulevard have been removed by the developer. Also, recent rainstorms have caused the stream under the Shoen Road bridge to become filled with debris. The Public Works team will begin excavating stone and rock out of the stream bed next week.

ADJOURNMENT:

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

Respectfully submitted,



Mimi Gleason
Recording Secretary