



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the Second August Meeting

August 26, 2020

1. Call to Order

Chairman Rajesh Kumbhardare called to order the second August business meeting at 6:35 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.
 - 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
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
John Weller – Director of Planning & Zoning
Mark Moses – Code Administration Officer
Caroline O'Connor – Public Works Coordinator
Pat Layman – Minutes

ANNOUNCEMENTS:

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

The Township Building will be closed on Monday, September 7th in observation of Labor Day.

The recycling pickup scheduled for the week of Labor Day will be on Wednesday, September 9th instead of the regular Tuesday pickup. Trash will be picked up on Tuesday as usual.

Mr. Kumbhardare announced that DEP shut down operations at Energy Transfer's Shoen Road drill site after issuing a Notice of Violation for an apparent inadvertent return of drilling mud. Energy Transfer appealed DEP's decision to shut down the drill site to the Environmental Hearing Board. Although an administrative law judge granted Energy Transfer's request to temporarily resume drilling, Energy Transfer's appeal of DEP's decision is ongoing, and a hearing is scheduled for September 1st. Given the potential impact on Township residents and infrastructure, the Board of Supervisors decided to file a Petition to Intervene in the appeal. That Petition was filed today.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to ratify the Board's decision to file the Petition to Intervene. Mr. Kumbhardare called for public comment, and there were none. A roll call vote was taken, and the motion was unanimously approved.

PUBLIC COMMENT:

None

HEARINGS & PLANS:

1. Fedor Tract – two lot preliminary/final subdivision

Mr. Weller reviewed his August 21, 2020 Memorandum providing a summary of the land development application of Rudolf A. Fedor, Jr. to develop a 1.69- acre lot with a 2-unit residential building located at 1250 S. Ship Rd. In attendance of behalf of the Applicant was project engineer Tom Tran.

Mr. Weller explained that the site is heavily constrained due to its narrow wedge shape, the rail line, and a Sunoco pipeline easement. The Applicant presented a number of different sketch plans to the Planning Commission before the present plan. The residential use in the present plan is permitted by right in this zoning district, and the Applicant has indicated compliance with all outstanding consultant comments. The Planning Commission issued a unanimous vote to recommend approval of the plan by the Board of Supervisors with the 12 conditions listed in Mr. Weller's August 21, 2020 Memorandum. A remaining concern of the Planning Commission was the maintenance of the common facilities. The Applicant has since indicated that a very small HOA will be established to address this issue. Mr. Pompo advised that per the Uniform Planned Community Act, certain elements must be addressed in the HOA

Declaration. The Declaration will be thoroughly reviewed by the Solicitor's office to ensure all concerns are addressed.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to approve the land development plan entitled "Fedor Property" as depicted on the 5-sheet plan set prepared by Commonwealth Engineers, Inc. dated March 18, 2020 and most recently revised July 2, 2020, subject to condition nos. 1-12 as outlined on pages 1 and 2 of Mr. Weller's August 21, 2020 Memorandum with the following additional condition (for a total of 13 conditions): *The property and all improvements thereupon shall be maintained in accordance with a Homeowners' Association Declaration consistent with the Uniform Planned Community Act. Prior to the recording of the Plan, the said Declaration shall be reviewed and found satisfactory by the Township.* Mr. Kumbhardare called for public comment, and there were none. A roll call vote was taken, and the motion was unanimously approved.

CONSENT AGENDA:

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

- Minutes of August 12, 2020
- Accounts Payable Warrant Report
- Resolution 2020-37 Disposition of Media

Mr. Kumbhardare called for public comment, and there were none. A roll call vote was taken, and the motion was unanimously approved.

BUSINESS:

1. Construction and Development Update

Mr. Weller reviewed his August 21, 2020 Memorandum which provides current information on the status of the various residential developments within the Township – citing percentage completed and current occupation data. Mr. Weller noted that the for-sale units are selling quickly, and apartment rental leasing, while slower, is within the parameters of developers' expectations. This information will be updated and provided to the Board on a regular basis. Additional information the Board would like to see include the percentage of occupied rentals that developers feel make the project viable, as well as monthly data to show the direction of activity in comparison to previous reports.

2. Approval of Policies for Police Department

Chief Benson reviewed the various policies explained more fully in his Memorandum dated August 21, 2020.

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

- Missing and Unidentified Person Investigations
- Weapons and Ammunition
- Office in Charge (OIC)

Mr. Kumbhardare called for public comment, and there were none. A roll call vote was taken, and the motion was unanimously approved.

3. Resolution 2020-38 regarding Volunteer Service Credit Program (revised)

Ms. Jones reviewed her Memorandum dated August 26, 2020 and explained that the Board previously adopted an Ordinance in 2018 creating a Volunteer Service Credit Program as permitted by Act 172 to offer an earned income tax credit to eligible volunteers at the West Whiteland Fire Company. The proposed Resolution clarifies language to include emergency volunteers such as fire police, not just firefighters. A total of 7 members applied for the credit in 2019 for a total of \$1,438 in tax credits.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve Resolution 2020-38 related to Pennsylvania's Act 172 earned income tax credit program for emergency service providers. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

4. July Financial Report

Ms. Jones advised that while permit fees and real estate tax transfer fees were down, tax revenue in general is on par with last year with no significant decreases to date. She credited Staff for their great efforts in monitoring expenses and keeping costs down.

5. Township Commission Updates from Board Liaisons

Mr. Kumbhardare reported that Friends of the Parks met on August 17 and is planning a holiday lighting contest. The Planning Commission met on August 18 and issued motions to recommend approval of the Exton Knoll land development plan and to recommend a zoning amendment to accommodate the Columbia Cottage plan. The Urban Land Institute Technical Assistance Panel project is moving forward. A list of stakeholders is currently being compiled. The public presentation in October is expected to be virtual due to the COVID pandemic.

6. Staff Updates

Ms. Gleason reported that Beth Trapani, the Township's new public relations consultant, has recommended establishing 4 or 5 focus groups consisting of existing residents, new residents, businesses, and active Township volunteers to gather information of what they already know about the Township, what they would like to know more about, and how they like to receive communications from the Township. This information will then be used to develop a survey that will go out to all residents.

Mr. Weller advised that the Zoning Hearing Board hearing scheduled for tomorrow evening will be continued another month at the request of the Applicant to allow time to consult with adjoining neighbors on Spackman Lane regarding his proposed two-lot subdivision.

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Mr. Kumbhardare announced that Exton will be hosting the Philadelphia Metropolitan Cricket League finals next month at Exton Park.

Mr. Weller reported that Staff has encouraged representatives from Lennar home builders to meet with neighbors of the Weston Tract to discuss their concerns with the development of the tract. Township Staff will attend the meeting but will not be an active participant.

ADJOURNMENT

The meeting adjourned at approximately 7:40 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Mimi Gleason', written over a horizontal line.

Mimi Gleason
Recording Secretary