



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the second September Meeting

September 25, 2024

1. Call to Order

Brian Dunn called to order the second September meeting at 6:34 p.m. The meeting was a hybrid with participants attending both in person and via Zoom.

Those in attendance in addition to Mr. Dunn were:

Rajesh Kumbhardare, Vice-Chairman
Jo Ann Kelton, Supervisor
Pam Gural-Bear, Township Manager
Jennifer Keller, Operations Manager
Lee Benson, Police Chief
Justin Smiley, Capital & Special Projects Manager
Patrick Gorman, Township Planner
Jim Rieben, Jr., Public Works Director
Ed Culp, Public Works Operations Manager
Caroline Partridge, Finance Director
Alex Baumler, Solicitor
Pat Layman, Minutes

ANNOUNCEMENTS:

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

On behalf of the Board of Supervisors, Mr. Dunn thanked all the volunteers who planted trees and pulled weeds making another successful Make-A-Difference Day.

PUBLIC COMMENT:

Stephanie Sharon from the Chester County Library thanked Officer Delaney for helping with the Touch a Truck portion of the Second Annual Library Card Signup event. More than 400 people attended the September 8th event. Ms. Sharon also advised of a number of accessible technology items available for use at the Exton and Henrietta Hankin branches. This technology was made available through funding from the West Goshen Lions Club, West Chester Lions Clubs, The Lions Pennsylvania Foundation, Friends of the Chester County Library, and Friends of the Henrietta Hankin Branch.

HEARINGS:

1. Conditional use application of Exton Pro Realty Partners (Fred Beans Automotive Service Center)

Mr. Kumbhardare made a motion, seconded by Ms. Kelton, to open the conditional use hearing for the application of Exton Pro Realty Partners, LLC, for the construction of an automotive service center located at 206 S. Whitford Road. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

Solicitor Baumler asked if anyone wished to request party status, and no one responded.

Attorney Lou Colagreco represented the Applicant. Testimony was given by civil engineer Gregory Newell of Nave Newell & Associates and Gregory Richardson, traffic engineer with Traffic Planning & Design. Public comment was received from Robert Ludwick, resident of 351 Quarry Lane. A record was taken by Court Reporter James Findley.

Mr. Kumbhardare made a motion, seconded by Ms. Kelton, to close the hearing and continue to October 23, 2024, at 6:30 p.m., and to direct the Solicitor to prepare a draft Decision and Order. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

CONSENT AGENDA:

Mr. Kumbhardare made a motion, seconded by Ms. Kelton, to approve the Consent Agenda consisting of:

- Approval of September 11, 2024, Minutes, as presented
- Resolution 2024-34 Disposition of Media

Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

BUSINESS:

1. Weston Tract

a. Authorization to Advertise Amendment to the Zoning Map

b. Resolution 2024-35 Setting Date of Public Hearing on Proposed Ordinance Amendment to Zoning Map

Mr. Gorman reviewed his Memorandum dated September 19, 2024. On October 25, 2023, the Board of Supervisors held a public hearing to consider a proposal from the Willow Hill Development Group to amend the Zoning Ordinance and Map to change the zoning district for the Weston Tract from Office /Laboratory (O/L) to R-1 Residential and amend the R-1 district regulations to accommodate the Willow Hill project. Following the hearing, the Board of Supervisors voted against those changes. While a number of residents at the hearing expressed opposition to the density proposed by Willow Hill, they did indicate support for a map change to R-1. At the Planning Commission meeting on September 17, 2024, members discussed possible options for the Weston Tract, and after careful consideration and receipt of public comment, passed a unanimous motion recommending the Board of Supervisors pass a resolution setting

the time and place of a hearing to present and receive public comment regarding an amendment to the Township Zoning Map that would change all of the lands south of King Rd. that are currently zoned O/L Office/Laboratory to R-1 Residential pursuant to the requirements of Section 325-125.A of the Zoning Ordinance.

Ms. Kelton made a motion, seconded by Mr. Kumbhardare, to approve Resolution 2024-35 establishing October 23, 2024, as the date of a public hearing for the purpose of presenting to the public an amendment to the Township Zoning Map that would change all of the lands south of King Road that are currently zoned O/L Office/Laboratory to (R-1 Residential); after receiving comments regarding the said amendment from the public; and of potentially adopting the same, and to authorize the advertisement of the hearing as required by law. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

2. Authorization for Township Manager to Execute Contract Addendum for Exton Park Phase II

Mr. Smiley explained that the Township retained York Strodoski Mears (YSM) Landscape Architects in 2023 to design, implement and oversee the park's development. As the design progressed, it became apparent that additional improvements not associated with the original Phase II scope of work were needed. Some of these improvements include adding the design and engineering of basketball/pickleball/tennis courts to the Swedesford Recreation Area and providing electric for lighting at the proposed stage and parking expansion.

Mr. Kumbhardare made a motion, seconded by Ms. Kelton, to approve the YSM contract addendum for Exton Park Phase II to perform additional services in the amount of \$39,900.00 and to authorize the Township Manager to sign the addendum. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

3. Award/Rejection of Bid for Trash/Recycling

Ms. Gural-Bear explained that the Township is currently in its fourth year of a five-year contract with A.J. Blosenski for trash and recycling pickup. Because other municipalities have experienced significant increases from vendors, the Township decided to bid early (July of this year) so there would be time to consider options if the bids were too high. The lowest bid received was from A.J. Blosenski and reflected an 81% increase. While the Township does receive some grant funds, a substantial increase in residents' solid waste bill would be needed to cover the increased fee. One vendor refused to bid stating that they only bid when all customers use a tote, citing safety for their employees no longer having to risk injury lifting heavy trash into the truck. The increase in cost is the result of increased costs for landfill, equipment, insurance, labor, etc. Consequently, Staff has been considering other options such as bringing the operation in-house.

The Solid Waste Team prepared a Memorandum dated September 19, 2024, detailing all options, projected costs associated with each, and other points for consideration. This Memorandum is posted on the Township's website and is included in the meeting packet materials.

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Board members asked for public comment.

Charles Quinn, 617 Marydell Drive, expressed some skepticism that the Township has the ability to operate an in-house program and asked to see the analysis of Staff to this point. Ms. Gural-Bear advised that the Memorandum outlining this information is posted on the Township's website and offered to send a link. She added that the Township currently conducts in-house operations for sewer, snow removal, and billing operations. Mr. Kumbhardare noted that additional employees would be added to the existing staff should an in-house operation be chosen.

Joe Roscioli, 1421 Gary Terrace, was in favor of retaining the PAYT bag system noting that it is economical and fair to residents. He suggested the Township go out to bid again but change the specification such that the recyclables are not owned by the Township. He suggested pick up be done on two consecutive days so that anyone missed on the first day could be more easily picked up on the second day. Mr. Dunn noted the poor service the Township has received from Blosenski and said more than 5,000 emails have been received from residents complaining about their trash not being picked up. He further added that per the Township's contract with Blosenski, \$90,000 was returned to the Township in compensation for Blosenski's errors. Mr. Dunn said such poor service coupled with an 80% cost increase must be considered in the decision of what to do. Mr. Roscioli said the PAYT program works and suggested securing a different contractor. Mr. Dunn disagreed that PAYT works. Mr. Kumbhardare said the Board is trying to be proactive and gather as much information as possible to share with residents. Should an in-house operation be decided on, Mr. Kumbhardare said there will be specific employees who pickup over multiple days. Ms. Kelton added that West Bradford Township has a very successful in-house operation and has offered advice and training to West Whiteland.

Mike Dumas, 421 Westfield Drive, was in favor of an in-house operation adding that the bags are not convenient. He suggested the Township put the \$500,000 it receives in bag revenue toward an in-house system.

Virginia Kerslake, 103 Shoen Road, asked for confirmation that the bag revenue received goes toward running the program. Ms. Partridge replied that it does. Ms. Kerslake thanked the Board for considering options other than the PAYT system.

Joe Kazingu, Boot Road, was in favor of the bag system because it makes people pay for what they use; those with bigger families pay more. He asked if a smaller tote was available. Ms. Gural-Bear said there is a 64-gallon and a 95-gallon tote, but both are the same height. She said she is trying to clarify if the trucks have the ability to pick up a smaller tote.

Michael Hart, 202 Sussex Road, thanked the Township for the new recycling totes. He prefers an all-tote system and suggested bidding again for an all-tote system and sharing the results with the public.

Keith Choper, 352 S. Balderston Drive, asked if apartment complexes would be required to participate in a new system. Solicitor Baumler said most HOAs have existing contracts, but would be free to switch to the Township's system when their existing contract expires.

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Tim Hubbard, 697 Stonegate Court, thanked the Board and Staff for their time and effort in this matter. While he likes the bag system, he said it may not be realistic going forward. He further noted that East Bradford has no complaints from residents and feels the in-house operation offers more for the same or less cost.

Caitlin Lucas, 500 Briar Road, likes the in-house operation regardless of cost and thinks the bins are great.

Cathleen Burgess, 451 Far Hill, said bins are easier than dealing with bags. She added that the bags have decreased in quality and recommended a thicker bag should the Township stay with the PAYT system. Mr. Dunn said the bag vendor maintains that the thickness of the bag has not changed/decreased.

Erin Knapp, 1410 Spackman Lane, said she generates very little trash so likes the bag system, but asked if she can opt out of any new system. Ms. Gural-Bear said she could not as this is controlled by Ordinance.

Michael Matteo, 17 Buttonwood Drive, suggested Staff spot check the weight of the boxes that the current bags come in, noting that they should all weigh the same if the bag thickness is consistent throughout the entire shipment.

Glen Brown, 503 Bridle Path, asked if there could be one tote for both trash and recyclables and would yard waste be included. Mr. Dunn said yard waste would be included with an in-house system and further explained that it's much easier and cleaner to have trash separated from recyclables.

Mike Zelinsky, 1418 W. Woodbank Way, requested actual numbers. Mr. Dunn repeated that this information is on the Township's website. Mr. Zelinsky said the totes are easier to use but liked the bags because he only pays for what he uses.

Jim Pease, 328 Huffman Drive, likes the bag system because it encourages recycling. He expressed concern that people would not recycle as much with a tote system.

Mario Gutierrez, 717 Timber Lane, prefers an in-house operation stating that the bag system is broken and makes no sense.

Phil Berger, 509 Deer Lane, asked if an in-house operation could accommodate the bags. Mr. Kumbhardare said the Township would look to keep its employees safe, adding that any trucks purchased for an in-house operation would have the auto tote pickup feature. He said an analysis would have to be done, but said it was unlikely that bags would continue. He added that the Township is also looking into clean fill ideas and composting, but the logistics of picking up and transporting the material is difficult.

Mr. Kumbhardare made a motion, seconded by Ms. Kelton, to reject the bid for the collection of residential waste and recyclable materials, monthly bulk trash pick-up, up to 11 leaf/branch curbside pick-ups, and one Christmas tree pick-up at an initial annual cost of \$1,454,399.96. Mr. Dunn called for further public comment, and there were none. The motion

was unanimously approved.

4. Adoption of Ordinance Amending Local Limits for Sewer Discharge into DARA

Mr. Rieben explained that the adoption of the proposed ordinance will reduce the discharge limits for waste and pollutants for industrial users and add a limit on free cyanide, in accordance with the currently in place resolution of DARA adopted earlier this year. It will also incorporate successive resolutions of DARA by reference into the West Whiteland Township Code of Ordinances, to avoid costly ordinance revision in the future.

Mr. Kumbhardare made a motion, seconded by Ms. Kelton, to adopt the Ordinance amending Chapter 256 of the West Whiteland Township Code to reduce the local limits for waste and pollutants for industrial users and to add a limit on free cyanide as established by resolution of DARA. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

5. Adoption of Carbon Dioxide Transmission Pipelines Ordinance

Ms. Gural-Bear explained that the proposed draft Ordinance is enacted under the public health safety and welfare powers of the Pennsylvania constitution afforded to the Township. Neither the Municipal Planning Code nor the Township's zoning powers are cited as a basis for regulation. The Ordinance will create a new chapter in the General Code of Ordinances to address this issue singularly. The Ordinance states that the Township has the legal authority to site carbon dioxide pipelines under the constitution, not the zoning laws.

Ms. Kelton made a motion, seconded by Mr. Kumbhardare, to adopt the carbon dioxide transmission pipelines ordinance adding a new chapter 125 governing carbon dioxide transmission pipelines and establishing setback and planning requirements for new and repurposed carbon dioxide transmission, distribution and gathering of pipelines within and throughout the township; repealing all inconsistent ordinances or parts thereof; providing a severability clause; and providing an effective date. Mr. Dunn called for public comment. Virginia Kerslake, resident of 103 Shoen Road, thanked the Township for this action noting the recent pipeline explosion in Texas. She encouraged the Board to enact the proposed Ordinance and asked how it will be enforced. Mr. Baumler replied at the time of permitting. Resident Ted Stranz, of 307 Horizon Court, echoed Ms. Kerslake's comments and asked if future State and Federal regulations would supersede the Township's regulations. Mr. Baumler said it depends how the State and/or Federal regulations are worded. There being no further public comment, the motion was unanimously approved.

6. 2025 Budget Discussion

General Fund Operating Revenue

Ms. Partridge provided an overview of the General Fund Operating Revenue. She compared the General Fund to a personal checking account that covers all essential services and maintenance for the Township's operations. The primary funding source for the General Fund is Earned Income Tax (about \$8 Million for 2024) and Real Estate Tax (about \$2.34 Million net

increase from the recent property tax increase). Ms. Partridge noted that while the recent property tax increase has generated increased revenue, but this is offset by increased requests. Other buckets of income for the General Fund include permit fees, Local Service Tax, and Realty Transfer Tax; all of which are impacted by the state of the economy. EIT has shown a slow but steady growth rate of 2-4% per year. Ms. Partridge noted that the County has not conducted an assessment since 1998.

The General Fund is completely separate from the Sewer and Solid Waste funds. General Fund revenue cannot legally be used to fund Sewer or Solid Waste. Ms. Partridge noted that the revenue presented this evening is not yet complete; that additional revenue will be coming in the 4th quarter of this year.

Capital Projects Plan/Public Service Fund

Mr. Smiley noted projects completed in 2024 include the Ship Road Couplet, Office reconfiguration at the Township building, Wayfinding signage manual, Clover Mill Pump Station Phase I rehabilitation, Swedesford Road Recreation Area, updates to the Solar and Electric Vehicle Ordinances, and the soon to be completed Public Works facility. All projects were funded by taxes and grant money.

Mr. Smiley then reviewed the list of projects, some of which have already been approved and started and others proposed. While almost all major projects receive grant money, the Township generally must pay for the entire project and then be reimbursed from the grant money which may come in subsequent years depending on the length of time it takes to complete a project. The list of capital projects includes:

- Comprehensive Plan update – this project has begun, a public survey will be going out in early October and an open house is planned for October 29.
- Ship Road Couplet Phase II – this includes improvements to the mast arms and controller box at the Ship Road and Route 30 intersection.
- Bartlett Avenue – additional lane. This includes restriping to address the que and turning issues at the Bartlett/Route 100 intersection.
- Whiteland Crest – new outlet onto Commerce Drive. While this is needed to address issues with the Fire Co. and the School, Mr. Kumbhardare noted that residents in the area were not especially happy about the idea. Mr. Smiley suggested talking to the residents and explain the safety issues behind it. Board members agreed this project was needed.
- Rockland Drive cul-de-sac improvements. Currently the school bus stops on Route 100 to pickup and drop off students. The Township has contacted the School District about this unsafe condition. The School District indicated that it may move the bus stop to Rockland Drive if improvements are made, but gave no guarantee. Mr. Kumbhardare said the Township needs to know for certain that the School District will move the bus stop before money is spent to no avail. He suggested reaching out to the State Representative and Senator for their help in this matter. Costs for this project would be 100% funded from

the Township's Transportation Fund.

- Whitford Station pedestrian access – this project would provide signals, signage, and lighting for the underpass where pedestrians exiting the train must walk to the parking lot. There was brief discussion about what is needed here and whether the proposed improvements would make a difference. It was noted that making the area a single lane would be bad for traffic in an already bad area. This project was tabled until next year.
- Multi-use fields – this is a \$6.2 million project, \$2 million of which is available now and a \$2.2 million DCNR grant has been applied for with a 50/50 match. Ms. Kelton said more safety-related projects and stormwater projects may need this money. Mr. Kumbhardare noted that Exton Park is the “crown jewel” of the Township. Ms. Gural-Bear advised that there is some money allocated for stormwater projects, adding that many of the stormwater issues are on private property which the Township cannot control.
- Tennis and Pickleball Courts at the Swedesford Recreation Area – Mr. Smiley advised that there has been considerable demand from residents for more tennis and pickleball courts. The Board approved this project at a cost of approximately \$800,000.
- Park signage – implementation of the manual adopted earlier this year. This item is mixed with the maintenance budget as it involves replacing signage.
- Solar at Boot Road House – Mr. Wyatt said this project has a lower priority, but noted that it would provide great educational value for sustainable energy.
- Solar array at the new Public Works facility – this project could provide great savings in future electrical costs covering 100% of electricity used by the facility, a 5-year payback, and federal tax incentives. The Board agreed that it makes sense to pursue this project.
- Clover Mill Road culvert repair – Mr. Rieben noted this project will greatly improve stormwater issues in this area.
- Mr. Rieben noted that 60 notifications have been sent to property owners who have stormwater facilities on their property but do not have Operating & Maintenance Agreements with the Township for same. He said residents have been responding and making the recommended improvements.
- 1445 Burgoyne Road – this project involves stabilizing the embankment and making the temporary fix permanent. The Board agreed this project must be done.

Sewer Construction (Capital Projects) Fund

- Clover Mill Pump Station Phase II rehabilitation project
- Clover Mill ARV Replacements – this removes air from the main line. Air left in the pipe prematurely ages the pipe. The Board agreed to proceed with this project.
- Grubbs Mill Pump Station rehabilitation construction

- PA 100 Redirection of Flows Project- this project would give the Township the flexibility to redirect sewer flows to bypass the Route 100 and Whiteland Woods pump stations using gravity feed. It would save money in overtime and provide operational versatility to ensure that the West Goshen allocation is not exceeded.
- Boot Road Bridge Force Main

Ms. Partridge said based on feedback received from the Board of Supervisors regarding the various projects discussed, Staff will look at the next 1, 3, and 5 years to determine what is feasible. Mr. Smiley added that many projects are multi-year and some will start with a study first, followed by grant applications before actually beginning a project.

7. Approval of Township Payment Report for September 25, 2024

Staff answered questions from Board members.

Mr. Kumbhardare made a motion, seconded by Ms. Kelton, to approve the Township Payment Report for September 25, 2024. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

8. August Financial Report

Board members had no questions on the August Financial Report.

9. Township Commission Updates from Board Liaisons

Mr. Kumbhardare reported on the West Chester Area Council of Governments (WCACOG) meeting where lessons learned from the tragic Barclay Friends fire and a local shooting incident were reviewed. He noted that communication between the Police and Fire could be improved.

The Planning Commission issued a motion recommending approval of the Fred Beans conditional use plan and the ARX Wireless land development plan, as well as a motion recommending the Board of Supervisors set a date for a public hearing on a possible zoning map change for the Weston tract.

Ms. Kelton shared a slide prepared by Scott Jeffers of the Stormwater Task Force showing the area proposed for a watershed study. Task Force members are working on prioritizing the problem stormwater areas within the Township and focusing on effective ways to educate the public on stormwater.

10. Staff Updates

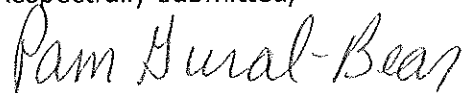
There were no Staff updates to report.

ADJOURNMENT

The meeting adjourned at approximately 10:56 p.m.

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Respectfully submitted,

A handwritten signature in black ink that reads "Pam Gural-Bear". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

Pam Gural-Bear
Recording Secretary