



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the First February Meeting

February 9, 2022

1. Call to Order

Chairman Rajesh Kumbhardare called to order the first February meeting at 6:44 p.m. This was a hybrid meeting with participants attending both in person at the Township Building and on-line via Zoom.

Those in attendance in addition to Mr. Kumbhardare were:

Theresa Santalucia, Vice-Chairman
Brian Dunn, Supervisor
Pam Gural-Bear, Interim Township Manager
Ted Otteni, Director of Engineering
Scott Ryle, Public Works Director
Ed Culp, Asst. Public Works Director
John Weller, Planning Director
Marie Guarnera, Codes Director
Beth Jones, Finance Director
Lee Benson, Police Chief
Sean Kilkenny, Solicitor
Pat Layman, Minutes

ANNOUNCEMENTS:

The Board of Supervisors met in executive session prior to tonight's meeting and on January 21 to discuss matters of personnel and litigation.

The Township Building will be closed on Monday, February 21 in observation of Presidents' Day.

Exton Crossroads business conversation on February 17 at 10:00 a.m. Registration is required. Details can be found on the Township's website and Facebook page.

PUBLIC COMMENT:

Resident Virginia Kerslake renewed her previous request to have the recordings of the Board of Supervisors meetings posted on the Township's website. Ms. Gural-Bear will look into the matter.

CONSENT AGENDA:

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

- Minutes of January 26, 2022
- Resolution 2022-14 Disposition of Media

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

BUSINESS:

1. Discussion of Letter to Attorney General re Operation of Mariner East Pipeline

A draft letter to the Pennsylvania Attorney General requesting a halt of construction on the Mariner East Pipeline was presented to the Board for their consideration.

Mr. Dunn made a motion, seconded by Mr. Kumbhardare, to approve the letter to the Pennsylvania Attorney General. Mr. Kumbhardare called for public comment. Residents Libby Madarasz and Virginia Kerslake thanked the Board for sending the proposed letter. Chester County resident Tom Casey said the letter was merely asking Pennsylvania's top law enforcement officer to do his job. Ms. Santalucia said if the letter was addressed to the Federal Regulatory Commission (FERC) she would be in favor but felt the Pennsylvania Attorney General was not the appropriate recipient. The vote was 2-1 (Santalucia opposed).

2. Discussion of Artisan Developers Clover Mill Trail Concept

Mr. Weller Memo reviewed his Memorandum dated February 4, 2022, and explained that Artisan Land Company was developing a townhouse community in East Caln Township along Clover Mill Road and wished to connect their sewer system to the Clover Mill Rd. pump station. With the excavation required for installation of the water main extension, Artisan has offered to construct a new bicycle and pedestrian trail along Clover Mill Road that would expand the current trail network and provide a benefit to residents of both West Whiteland and E. Caln providing them with access to the Whitford train station. The portion of the trail within West Whiteland will extend about .66 miles along the south side of Clover Mill Rd within the existing road right-of-way and ending at the western property line of the AmerCare Royal facility at 420 Clover Mill Rd. The proposed trail affects six properties, one of which is owned by West Whiteland. Artisan would bear all construction costs related to the trail, but West Whiteland would be responsible for minor maintenance including snow removal in front of the Clover Mill Pump Station and under the bypass.

John Benson and Ron Christian from Artisan were in attendance. Mr. Benson said all permits and approvals have been obtained from East Caln, and he expects construction to begin within the next 60 days.

Ms. Santalucia made a motion, seconded by Mr. Dunn, to authorize Staff to work with Artisan Land Company ("Artisan") in the construction of a bicycle and pedestrian trail (the "Trail") along Clover Mill Rd. between the East Caln Township boundary and 420 Clover Mill Rd. as presented tonight. Construction of the Trail shall not commence until the Township has issued a Street Occupancy Permit to allow such work, and the issuance of that Permit shall be conditioned upon:

1. Artisan providing evidence that they have contacted the owners of the five privately owned properties along the Trail route;
2. Artisan providing detailed plans satisfactory to the Township Engineer;
3. Artisan agreeing to reimburse the Township for costs related to the review of the said plans; and
4. Artisan posting financial security in a form acceptable to the Township for the construction cost of the Trail, including inspections during construction.

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

3. Discussion of Drainage Channel on West Swedesford Road

Mr. Otteni advised the Board of a resident's request for the Township to maintain a drainage channel located on private property at 322 W. Swedesford Road. Mr. Otteni said while there is no formal maintenance agreement for the channel, the Township has maintained the channel as a courtesy, noting that the channel conveys a significant amount of water discharged from two large pipes. To convert the channel to a closed pipe would cost about \$35,000 and would increase velocity and erosion and possibly result in flood damage to neighboring buildings. The open channel is also needed for sediment reduction and water infiltration. Mr. Otteni recommended that the Township's public works team perform some stabilization work on the channel (remove vegetation, repair eroded sections) and mow the area twice a year. The Board was in agreement.

4. Keva Flats:

- a. **Approval of Sewer Maintenance Agreement**
- b. **Resolution 2022-15 Accepting Grant of Sanitary Sewer Easements and Deed of Dedication of Sanitary Sewer Segments**
- c. **Authorization of Final Escrow Release Following the Recording of the Deed of Dedication of Sanitary Sewer Segments**

Mr. Otteni reviewed his February 3, 2022, Memorandum.

Mr. Dunn made a motion, seconded by Ms. Santalucia, to approve the maintenance agreement and Resolution 2022-15 executing a Deed of Dedication from Keva Flats LP for dedication of sanitary sewer segments and the acceptance of sanitary sewer easements. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

Ms. Guarnere reviewed her Memorandum dated February 9, 2022.

Ms. Santalucia made a motion, seconded by Mr. Dunn, to conditionally approve the final escrow release in the amount of \$130,000.00 and to authorize the Interim Township Manager to execute the Certificate of Completion releasing the balance of \$130,000.00 to Marquis at Exton (Keva), Hankin Group, 707 Eagleview Blvd., Exton, PA 19341; conditioned on receipt of final payment in the amount of \$921.50, invoice for engineering fees, prior to the release. The Finance Department will confirm receipt of invoice payment. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

5. Adoption of Ordinance No. 467 Solid Waste & Recycling

Ms. Gural-Bear reviewed the major changes of the proposed Ordinance which included updates based on contractor licensing and program updates. The proposed Ordinance was duly advertised on February 1 in the Daily Local News.

Mr. Dunn made a motion, seconded by Ms. Santalucia, to adopt Ordinance No. 467 amending the Solid Waste Ordinance. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

6. Resolution 2022-17 Confirmatory Deed for 121 Valley Creek Blvd.

Mr. Baumler explained that there was an error in the original recording of the subject property, and he was waiting for further information from the Tax Assessment Office. The matter was not yet ready for a vote by the Board.

Mr. Dunn made a motion, seconded by Ms. Santalucia, to table agenda item #6. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

7. Exton Park

a. Project Update

Mr. Otteni provided an update on Exton Park advising that the driveways, signage, trail, site grading, and sewer have been completed. He is still waiting for electric service and relocation of two poles by PECO. Restroom design is moving forward with a modification to provide heat so they can remain open year-round.

Mr. Culp said work continues on the layout for the disc golf course and a re-establishment of the walking trail. Work on the playground should be completed by mid-March. Dog park fencing will be erected in March. Friends of the Parks has donated one bench for the area. Ms. Santalucia suggested Staff reach out to the Scouts and also place information on the Township's website regarding the acceptance of donations for memorial benches.

b. Authorization to Transfer Funds for Construction

Mr. Otteni explained that when Energy Transfer was constructing a portion of the Mariner East pipeline, it requested permission to discharge the groundwater from the horizontal bore operation to the Township's sanitary sewer system. Downingtown Area Regional Authority (DARA) and the PA Department of Environmental Protection (DEP) determined a temporary discharge would be permitted. This was a discharge of clean water, not waste water. Energy Transfer was charged the industrial discharge rate of \$9 per 1,000 gallons. Over four months' time, this resulted in a payment of \$380,365.20. The Township pays DARA approximately \$1.81 per 1,000 gallons for treatment. Considering actual treatment cost of \$70,854.00 to the Township, and in lieu of waiting for a grant or using General Fund revenue, Staff requested

authorization to transfer \$309,500 from the sewer operating fund (Fund 02) to the Public Services Fund (Fund 65) to advance the construction of the restrooms at Exton Park. Ms. Jones said she checked with the Auditor and confirmed this was the proper way to transfer the funds with Board approval.

Ms. Santalucia made a motion, seconded by Mr. Dunn, to authorize the Finance Director to transfer \$309,500 from the Sewer Fund (02) to the Public Service Fund (65) for the benefit of Exton Park Construction, to approve the use of up to \$309,500 to advance the construction of restrooms at Exton Park, and to authorize funds remaining after the completion of the restrooms to be used for future Exton Park construction projects. Mr. Kumbhardare called for public comment. Ms. Kerslake asked about the rate that Energy Transfer was charged. Mr. Otteni explained that there is not a "clean water rate" and that Energy Transfer was charged as "industrial load". Mr. Otteni confirmed that the Township will not be charged for sediment by DARA. Ms. Kerslake was concerned that Energy Transfer's name would appear somewhere in Exton Park. Mr. Otteni confirmed that there was no agreement with Energy Transfer, and its name would not appear anywhere within the Park.

8. Staff Updates

Mr. Otteni advised that Buckeye Pipeline will be performing maintenance on its pipeline. Rather than access the block valve located in the Courts at Valley View residential development, Buckeye representatives have suggested a temporary valve be installed at the Township's property at 222 N. Pottstown Pike. This would spare the residents of Valley View from having 15 trucks access their community. The work is a 15-hour task and is scheduled to begin in early March. Mr. Otteni confirmed that all Fire and Safety personnel will be advised, and communities will be notified.

Chief Benson reported that the second "Coffee with a Cop" session was hosted by Starbucks and was a great success. He further reported that a \$5,000 grant was received from Wal-Mart's community partnerships program and will be used to purchase a drone to assist in finding missing persons.

Mr. Ryle advised that the Grubbs Mill emergency repair is proceeding with by-pass pumping scheduled for the week of March 14. Mr. Ryle passed along the Public Works crew's thanks to the Board for the recent new equipment purchase that helped greatly with recent snow events. Ms. Santalucia suggested that essential medical workers sign up with the Township in the future so that the streets they need to access can be prioritized for plowing.

9. Approval of Township Payment Report for February 9, 2022

Mr. Dunn made a motion, seconded by Ms. Santalucia, to approve the Township Payment Report for February 9, 2022. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

10. Township Commission Updates from Board Liaisons

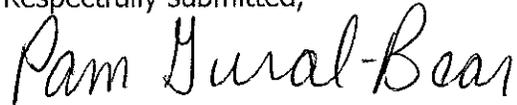
Friends of the Parks is planning events for the year with the Egg Hunt scheduled for April 9 and Craft Fair scheduled for April 30. Work continues on Community Day and the summer concert series. A representative from Vista Today will be at the next FOP meeting.

Mr. Kumbhardare offered to attend the Friends of the Parks meetings in Ms. Santalucia's absence.

ADJOURNMENT

The meeting adjourned at approximately 8:25 p.m.

Respectfully submitted,



Pam Gural-Bear
Recording Secretary