



**WEST WHITELAND TOWNSHIP  
BOARD OF SUPERVISORS**

**BUSINESS MEETING**

Minutes of the first July Meeting

July 12, 2023

**1. Call to Order**

Chairman Brian Dunn called to order the first July meeting at 6:30 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  
Theresa Santalucia, Supervisor  
Pam Gural-Bear, Township Manager  
Jennifer Keller, Operations Manager  
Lee Benson, Police Chief  
Caroline Partridge, Finance Director  
John Weller, Planning & Zoning Director  
Justin Smiley, Capital & Special Projects Mgr.  
Brannon Tupper, Engineering & Construction Projects Mgr.  
Todd Greenawalt, Codes Administrative & Enforcement Mgr.  
Ed Culp, Interim Public Works Director  
Alex Baumler, Solicitor  
Sean Kilkenny, Solicitor

**ANNOUNCEMENTS:**

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

Join us on Saturday, July 15<sup>th</sup> for Exton Park Community Day beginning at 4:00 p.m.; Dirty Dance Band takes the stage at 7:30 p.m. followed by fireworks at 9:30 p.m.

**PUBLIC COMMENT:**

Resident Libby Madarasz advised that the community of Meadowbrook Manor suffered extensive damage in the recent storms and asked for the Township to help in any way that it can. She noted that the stormwater problems are getting worse and cited issues with nearby sinkholes and standing water where grout was previously poured. Ms. Gural-Bear said the Township team is working on solutions and will be in touch shortly.

Resident Virginia Kerslake expressed concern that the Township was not immediately notified by Energy Transfer of the existence of a newly developed sinkhole on Lisa Drive. When the Township was notified, Ms. Kerslake maintained that the information provided by Energy Transfer was not accurate regarding the size of the sinkhole, proximity to pipelines, etc. She expressed frustration with the Township for not being more proactive. Mr. Kumbhardare noted

that there is no requirement for Energy Transfer to notify the Township. Mr. Dunn said he is also concerned about the delay in notification to the Township and assured Ms. Kerslake that the Township is trying to resolve the matter for possible future incidents.

**PLANS:**

**1. Keva Flats Final Land Development Plan**

Mr. Weller reviewed his Memorandum dated July 7, 2023, and provided a summary of the proposed project to construct two multi-family residential buildings with a total of 96 dwelling units and a floodplain restoration project at 350 Waterloo Boulevard. Conditional use approval for the project was granted by the Board of Supervisors in September 2022. The Planning Commission reviewed the land development plan on May 2, 2023, and issued a unanimous motion recommending approval with conditions. The Historical Commission reviewed the plan on May 8, 2023, and issued a unanimous recommendation. The plan has been revised to address the conditions and comments of the Planning and Historical Commissions.

In addition to the construction of two additional buildings, the plan proposes restoration of the floodplain which will provide a significant public benefit addressing surface water quality and aid the Township in its pollutant reduction plan required by Pennsylvania DEP. For the Township to receive credit for this improvement, it must participate in or contribute to the project. It was agreed during the Conditional Use phase (as contained in condition #6 of the Decision & Order) that the Township will contribute financially in the amount equal to the combined total of the traffic impact fee and the open space fee (totaling almost \$450,000). This is not a waiver of the required fees. Mr. Weller added that the Township typically requires Applicants to replace trees removed during construction, but a waiver is necessary for the stream restoration, and Township consultants and Staff support this waiver.

In attendance on behalf of the Applicant were Alyson Zarro, of Riley Riper Hollin and Colagregio; project engineer William Frederickson, of RGS Associates; and Neil Fisher of the Hankin Group. Ms. Zarro said originally, it was estimated that the stream restoration project would result in an annual sediment reduction of 38,000 pounds. However, after full engineering, it was estimated that 50,000 pounds annually will be reduced. Mr. Kumbhardare asked how this will be measured. Mr. Frederickson said that as-built plans generated after completion will provide determination of the pollutant reduction load – it is an engineering calculation.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to approve the land development plan entitled "Preliminary/Final Land Development Plan for Keva Flats" as depicted on the 44-sheet plan set prepared by RGS Associates, Inc. dated April 4, 2023 and most recently revised June 7, 2023 with the fourteen (14) waivers and conditions listed below:

1. The Plan is approved as a Final Plan pursuant to §281-10.D of the West Whiteland Township Subdivision and Land Development Ordinance ("S/LDO").

2. Waiver of §270-15.T of the Stormwater Management Ordinance to accommodate the floodplain restoration project, pursuant to comment #8 of the Spotts, Stevens and McCoy ("SSM")

engineering review dated June 26, 2023 and condition #7 of the conditional use Decision and Order ("D&O").

3. Waiver of §281-16.D(10)(d) of the S/LDO such that clear-sight triangles need not be shown at each street and driveway intersection, as the Applicant has demonstrated that the safe sight stopping distance has been provided, pursuant to comment #2 of the McMahon review dated June 16, 2023.

4. Waiver of §281-16.D(10)(f) of the S/LDO such that street profiles need not be provided as long as utility crossings of streets are shown on the utility profiles, pursuant to comment #2 of the SSM engineering review dated June 26, 2023.

5. Waiver of §281-34.G of the S/LDO such that compensatory plantings of trees are not required within the floodplain restoration area, pursuant to comment #1 of the Theurkauf Design and Planning ("Theurkauf") review dated June 12, 2023.

6. Waiver of §281-69.A of the S/LDO to allow crosswalks to be delineated by white paint, consistent with the existing crosswalks on the property, pursuant to comment #5 of the SSM engineering review dated June 26, 2023.

7. Waiver of §281-69.C(3) of the S/LDO to allow the sidewalks as shown on the Plan, pursuant to comment #6 of the SSM engineering review dated June 26, 2023.

8. Waiver of §281-69.C(4) of the S/LDO to allow less than 20% of the sidewalks to have a decorative surface, pursuant to comment #7 of the SSM engineering review dated June 26, 2023.

9. The architecture of the proposed buildings shall be substantially similar to the renderings presented to the Planning Commission at the meeting of July 9, 2022, pursuant to condition #3 of the D&O.

10. Pursuant to condition #6 of the D&O, the Township shall make a contribution to the floodplain restoration project equivalent to the sum of the open space fee required by §281-47.B(2) of the S/LDO and the traffic impact fee as required by Township Ordinances Nos. 427 and 461.

11. All remaining consultant and Staff concerns shall be resolved to the satisfaction of the Township.

12. Execution and recording of the Township's Stormwater Facilities Maintenance Agreement and Landscaping Restrictive Covenant, pursuant to Township practice. If the Applicant makes no material revisions or additions to the standard form of the said documents, then the Board hereby authorizes the Township Manager to sign these forms on behalf of the Township.

13. Execution of a Developer Agreement and a Financial Security Agreement pursuant to Township practice. The amount of such security shall be based upon construction cost estimates for the site improvements, including landscaping, to be provided by the Applicant, which shall be

reviewed and deemed sufficient by SSM and Theurkauf. If the Applicant makes no material revisions or additions to the standard form of the said agreements, then the Board hereby authorizes the Township Manager to sign these forms on behalf of the Township.

14. Payment of all outstanding Township invoices within 45 days of the date of final plan approval.

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

### **CONSENT AGENDA:**

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

- Approval of June 28, 2023, Minutes

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

### **BUSINESS:**

#### **1. Resolution 2023-32 Funding Commitment for RACP Grant Application**

Ms. Gural-Bear reviewed her July 7, 2023, Memorandum and explained that the grant will fund a portion of the construction cost for the new Public Works facility to be located at 121 Valley Creek Boulevard.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to authorize the filing of an application and business plan for \$1,500,000 in grant funding through the Commonwealth of Pennsylvania's Redevelopment Assistance Capital Program (RACP) to fund the construction of the "West Whiteland Township Public Works Facility" at 121 Valley Creek Boulevard. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

#### **2. Acknowledgement of Investment Fund Change for Township Sponsored Employee Retirement Plan**

Ms. Gural-Bear explained an investment change for the Employees' 457 Plan was expected from Northeast Financial, due to poor performance over the last three years. While that recommendation was expected today, it has not yet been received. The Board decided to table the matter until the recommendation is received.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to table the investment fund change for Township Sponsored Employee Retirement Plan. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

**3. Waiver of Conflict of Interest for Rise Up Towers**

The Township received a letter dated May 12, 2023, from its Solicitor Sean Kilkenny advising that he and his firm have done work before with Rise Up Towers. Since the Township is exploring a contractual agreement with Rise Up that may involve negotiation and drafting of documents, Mr. Kilkenny was requesting a waiver of a conflict of interest in an abundance of caution.

Mr. Kumbhardare made a motion, seconded by Mr. Dunn, to accept the waiver of conflict of interest in connection with Kilkenny Law and Sean Kilkenny's representation of West Whiteland Township negotiations with Rise Up Towers. Mr. Dunn called for public comment, and there were none. The motion was approved 2-1 (Santalucia opposed).

**4. Authorization to Advertise Bid for Demolition of 217 & 219 Namar Ave.**

Mr. Greenawalt advised that 217 and 219 Namar Avenue were in a state of disrepair and unsafe. On June 20, 2023, the property owner was ordered by the District Judge to either submit for building permits to bring the homes into good repair or have the buildings demolished within 45 days. To date, neither option has been completed.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to authorize the advertisement and posting on PennBID bids for the demolition of two (2) dilapidated structures located at 217 and 219 Namar Avenue, Exton PA 19341. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

**5. Approval of Change Order #5 for CMPS Rehab Phase 1**

Mr. Tupper explained that the existing forced air ventilation is not capable of eliminating the heat during peak summer temperatures to safely operate the new Variable Frequency Drives installed. Electrical infrastructure will cost \$14,523.83 and the air conditioning units will be an estimated cost of \$45,000 procured via Costars. In response to a question from Mr. Kumbhardare, Mr. Tupper said he will check to be sure that the structure is sufficiently insulated to ensure efficient operation of the air conditioning to be installed.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to approve Change Order #5 with Brendan Stanton, Inc. for the addition of air-conditioning at Clover Mill Pump Station. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

**6. Final Financial Security Closeout Release – A Storage Depot**

Mr. Smiley advised that the Township has now received final payment from Three Kays Storage II, LLC, and that all conditions and waivers been reviewed and determined complete.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to approve the final escrow release in the amount of \$481,363.30, and to authorize the Township Manager to execute the

Certificate of Completion releasing the balance of the Three Kays Storage II LLC escrow account. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

**7. Approval of Township Payment Report for July 12, 2023**

The Board had no questions.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to approve the Township Payment Report for July 12, 2023. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

**8. Township Commission Updates from Board Liaisons**

Ms. Santalucia urged everyone to come out to Community Day at Exton Park on Saturday, July 15, beginning at 4:00 p.m. There will be plenty of food trucks, a beer/wine garden, musical concert, and fireworks. Mr. Kumbhardare has agreed again this year to be the subject of the Dunk Tank! The Historical Commission will host a table of artifacts and information for those attending Community Day.

Ms. Santalucia advised that members of the Historical Commission and their consultant, Philip Yocum, visited the former Exton Collision site and determined that Valley Creek has eroded the foundation of the historic springhouse/schoolhouse, but that portions can still be stabilized to showcase its historic significance.

Mr. Dunn reported that Merje presented various park sign options to the Public Services Commission for their feedback on design, color, and materials.

**9. Staff Updates**

Following the resignation of the Chairman of PLEAC, Chief Benson advised that he will be serving as Chairman for the remainder of this year.

Mr. Tupper advised that the Township has received numerous resident concerns about drainage issues after the recent storms, and he assured the Board that the Public Works team is reaching out to multiple residents as requests come in and trying to help resolve issues on both public and private property. Mr. Culp thanked the utility company liaisons for their help in coordinating efforts. He further noted that the road paving was delayed due to weather, but is scheduled to begin tomorrow (July 13).

Mr. Kumbhardare advised that there was a tree leaning over obstructing movement turning right onto Mountainview Drive from Route 100, and asked that the Public Works team trim the tree.

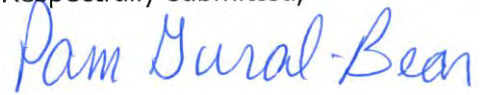
Mr. Weller noted that the Chester County Planning Commission will give a presentation on Affordable House at the next Board meeting on July 26.

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**ADJOURNMENT**

The meeting adjourned at approximately 7:15 p.m.

Respectfully submitted,



Pam Gural-Bear  
Recording Secretary