



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the First July Meeting

July 14, 2021

1. Call to Order

Chairman Rajesh Kumbhardare called to order the first July meeting at 6:30 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
Joshua Anderson, Supervisor
Mimi Gleason, Township Manager
Pam Gural-Bear, Asst. Township Manager
John Weller, Planning Director
Marie Guarnera, Codes Director
Beth Jones, Finance Director
Lee Benson – Police Chief
Andrew Rau, Solicitor

ANNOUNCEMENTS:

The Board of Supervisors met in executive session on June 28th and prior to tonight's meeting to discuss matters of real estate, personnel, and litigation.

West Whiteland Friends of the Parks is hosting a craft fair with live music by the VooDoo DeVille Band on Saturday, July 17th from 8:00 a.m. to noon at Miller Park. The rain date is the following Saturday, July 24th.

Mr. Kumbhardare reviewed the etiquette for hybrid meetings. He acknowledged residents' concerns over the sinkholes developing along the bore path of the Mariner East pipeline. Mr. Kumbhardare emphasized that this activity is regulated and controlled by the Pennsylvania Public Utility Commission (PUC) and the Pennsylvania Department of Environmental Protection (DEP).

PUBLIC COMMENT:

Annette Murray, of 502 Winding Way, asked the status of Energy Transfer's request for a waiver from the Township's Noise Ordinance. Ms. Gleason responded that the agreement of surrounding property owners was required, and to her knowledge, that has not been attained, so she believed the matter was "off the table". Ms. Murray and other neighbors, including one of the homeowners, advised that Energy Transfer is still negotiating with the property owners in question. Ms. Gleason said if all property owners agreed to the waiver, she would verify this with everyone and if confirmed, then seek more information on what construction remained to be done and a timeline for such. If the amount of work remaining was determined to make a waiver

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still worthwhile (since the waiver was originally requested in the beginning of June) then she would discuss potential conditions with the Meadowbrook Manor Civic Association.

Ms. Murray cited reasons a waiver should not be granted which included: residents need a nighttime and holiday break from the construction noise; Sunoco is trying to hide their activity, and this could be done much more easily during nighttime hours; and construction increases the likelihood of a gas leak with evacuation being much more difficult during night time hours.

Ms. Murray also urged the Board of Supervisors to file a petition for emergency relief with the PUC asking that the 8 inch and 12 inch active lines be shut down during construction. The amount of water being removed from the ground to keep the bore pit dry increases the possibility that the ground will give way under one of the active lines. In addition, there are no fire hydrants in Meadowbrook Manor.

Mr. Kumbhardare assured residents that the only reason the Township would consider issuing a waiver from the Noise Ordinance in the first place was to shorten the length of time that Sunoco is in the neighborhood disturbing homeowners and destroying the environment, and he has discussed this matter with our state senator. Noting that everyone in the room understood that sinkholes will continue to open along the bore path, Mr. Kumbhardare said he encouraged Energy Transfer to use the open trench construction method, rather than trying to bore underground, to no avail. Ms. Murray maintained that the Township meets the four parameters to have standing in which to file a Petition for Emergency Relief.

Libby Madarasz, of 205 Locust Lane, referenced a Township Newsletter article about excess water in the sewer system and questioned if this could be the result of Sunoco putting water into the system. Ms. Gleason explained that this is a separate issue that the Public Works Department has been working on for several years; investigating excess water that comes from leaky pipes and manholes that allow stormwater to enter the system, sump pumps that deposit water into the system, and from homes that have no caps on the sewer vents.

Ms. Madarasz then noted that there is a current valve station less than 250 feet from the Apna Market, yet the Township's Ordinance requires a 750 foot setback. Mr. Rau explained that the ordinance predates a number of appellate court decisions that have preempted local zoning authority. Those cases are now controlling precedent.

Nancy McMullin, of 200 Hillside Drive, expressed great concern that a waiver from the Noise Ordinance would be granted, again noting that Energy Transfer was offering money to the homeowners. Ms. Gleason explained that the homeowners' agreement is only the starting point in the decision making process. The Township would still need more information on how much work is left to be done, estimated timeline for the work, conditions to be imposed, etc. Ms. Gleason assured that no decision would be made without talking to the residents, and the longer the time goes on, the less she believed it would even be requested. Ms. McMullen repeated her feelings that Energy Transfer is trying to keep people from seeing what they are doing, and thanked residents who have been filming the activity.

Matthew Labrador, of 501 Briar Road, said no one can have a proper understanding of what the construction noise is like unless they live in the area. He fears that if a waiver is granted, even

more damage will be done because of rushing to complete the work.

Jerry McMullen, of 200 Hillside Drive, noted that Sunoco has been trying to bore under West Valley Creek for the past 1-1/2 years and it has not worked. He maintained that Sunoco has made engineering errors already and felt there is no guarantee that with a waiver from the noise ordinance the project will be completed sooner. He maintained that the open trench method would have been wiser, and that a waiver will only allow Sunoco to move forward with their mistakes. He suggested a third engineering analysis be done for open trenching. He also expressed that Sunoco has very low credibility. Mr. Kumbhardare agreed with Mr. McMullen regarding the open trench method and the low credibility.

Marcia Gentry, 211 Locust Lane, expressed safety concerns with sinkholes so close to the active lines, and noted that the work needs to be monitored because Sunoco cannot be trusted.

Jessica Daleandro, of 411 Briar Road (right next to the construction site), said her house shakes from 7:00 a.m. to 7:00 p.m. every day except Sunday due to the construction work. She fears for the safety of her children and family. Mr. Kumbhardare and Ms. Gleason said the PUC has a knowledgeable staff and they have assured the Township that the sinkholes have not exposed operating lines. The Township defers to the PUC's expertise in this matter but will ask for documentation to prove that the active lines are not impacted by the continuing sinkholes.

Theresa McGuire, 503 Briar Road, said the backup beeping of construction trucks was nothing compared to the noise from drilling. Her children cannot hear their virtual school lessons, and with no fire hydrants in the Meadowbrook Manor development, she fears for her family's safety. Ms. Gleason explained that the existing water lines are not sufficient for the hydrants, and new lines must be installed. Aqua is working on this but estimates the lines will not be installed until 2022. Marcia Gentry noted that the water pressure in Meadowbrook Manor is very low. The Township will look into the matter with Aqua and try to speed up the timeline for the hydrants.

Chris Digiulio maintained that the PUC is approving a methodology without ground water impact studies and urged the Township to conduct its own ground water studies. She further maintained that the correct data is not being collected, and there is disturbance beyond the right-of-way.

The Board said they would discuss whether to file an emergency petition.

PRESENTATION:

1. Options for Refunding the Township's 2016 bonds by Chris Bamber from PFM

Ms. Jones introduced Chris Bamber, the Township's financial advisor from PFM. He gave a presentation on options for a possible refunding of the 2016 bonds as interest rates are lower now than they were in 2016. The benchmark for net savings through a refinance is 2% of the principle. Refunding the 2016 bonds would meet this benchmark with a net savings of \$119,000.

Because of the relatively short remaining duration of the bonds, Mr. Bamber proposed exploring a dual track approach to compare the net savings between the bond market and a

private bank loan. Traditionally, the bond market has lower rates of interest with higher costs while the private banks have higher rates of interest with lower costs.

Mr. Bamber reviewed a summary of the estimated numbers and timing involved. No action was required from the Board at this time, but authorization to investigate rates, costs, etc. using the dual track approach will be sought in August.

CONSENT AGENDA:

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

- Minutes of June 23, 2021
- Resolution 2021-33 Disposition of Media

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

BUSINESS:

1. Plan for Public Discussions about Exton Crossroads and the ULI Report

Mr. Weller reviewed Justin Smiley's Memorandum dated July 9, 2021. The ULI Brainstorming Committee has been meeting to discuss ways to communicate the recommendations of the ULI study to the public and seek feedback. In addition to developing a survey for residents and business owners, the ULI Brainstorming Committee recommends a public outreach plan to engage with the public at upcoming Township events such as Community Day and the August Concert Series. The results of the survey and the proposed vision for Exton Crossroads then will be presented at an Open House event in the fall. Thanking the Brainstorming Committee, Ms. Santalucia said the Township is lucky to have so many talented individuals willing to volunteer their time, and she thought the public outreach plan was good.

Mr. Kumbhardare suggested exploring the possibility of electric scooters and electric bikes as transportation options for those trips that may be a little too far for walking (to and from the train stations from apartment complexes) and ways to travel from one quadrant of the Crossroads to another.

2. Approval of Resolutions 2021-34 and 2021-35 accepting Deeds of Dedication for right-of-way on Whitford Road and Waterloo Blvd.

Ms. Gleason explained that the proposed resolutions pertain to the additional northbound lane on Whitford Road from Lincoln Highway to a point north of Waterloo Boulevard.

Mr. Anderson made a motion, seconded by Ms. Santalucia, to approve Resolution 2021-34 and Resolution 2021-35, executing two Deeds of Dedication for ultimate right-of-way on Whitford Road and Waterloo Boulevard from Thomas Meeting Associates. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

3. Approval of Accounts Payable Warrant Report

Ms. Jones advised that the Township has received the first installment of the funds from the American Recovery Plan Act and will receive the remaining installment next summer. The Treasury Department has yet to issue its final ruling on how the funds can be used.

Ms. Santalucia made a motion, seconded by Mr. Anderson, to approve the Accounts Payable Warrant Report dated July 14, 2021. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

4. Township Commission Updates from Board Liaisons

The Historical Commission and Planning Commission meetings for July were cancelled. Ms. Santalucia advised that the West Chester Area Council of Governments will be meeting tomorrow, and Friends of the Parks will be hosting the Craft Fair on July 17 at Miller Park.

5. Staff Updates – Shoen Road Speed Study

Ms. Gleason reported that the Township is currently waiting for recommendations from McMahon Associates following their study of Shoen Road.

Chief Benson advised that application submissions for a new officer will close on Friday. To date, 30 applications have been received. The Police Department is currently undergoing the mock assessment for re-accreditation, and all is going well.

Mr. Weller reported that he, Ms. Gleason and Mr. Smiley were given a tour of the Ashbridge Mansion which is currently being renovated as a community center for the associated apartment complex. He said the renovation looks great and will be available for public use as well.

ADJOURNMENT

The meeting adjourned at approximately 8:45 p.m.

Respectfully submitted,



Mimi Gleason
Recording Secretary