



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the first August Meeting

August 10, 2022

1. Call to Order

Chairman Rajesh Kumbhardare called to order the first August meeting at 6:36 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
Jen Keller, Executive Assistant
Scott Ryle, Public Works Director
Ted Otteni, Director of Engineering
Marie Guarneri, Codes Director
John Weller, Planning 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 to discuss matters of personnel and litigation and on August 4th to discuss matters of personnel. The Board will also meet after tonight's meeting to discuss matters of personnel.

The Miller Park Concert Series continues in Miller Park on Sunday, August 14th at 6:00 p.m. with music by Basic Cable.

The Board of Supervisors recognized Julie Bauer for her service on the Historical Commission. Julie recently resigned to spend more time with family. Historical Commission member Jonathan Martin echoed the Board's sentiments stating that Julie was a great leader and hopes she will return to serve when her schedule allows.

PUBLIC COMMENT:

Resident Tom Berman spoke on behalf of the Chester County Library and shared two updates. September is "Library Card Sign-up Month". He encouraged everyone to sign up or renew their library cards and take advantage of the many wonderful resources offered at the Library. Also, the Library is planning an expansion of its "Maker Spaces" and is seeking community suggestions for new equipment. Persons interested in participating in a focus group can contact Director Mary Gazdik. Her contact information can be found at www.chescolibraries.org. The

Maker Spaces currently feature equipment that is available for use by everyone and includes a 3-D printer, digital video converter, recording equipment and much more.

HEARINGS & PLANS:

1. Conditional Use Hearing for Keva Flats Expansion

Mr. Dunn made a motion, seconded by Ms. Santalucia, to open the conditional use hearing for Keva Flats Expansion. The motion was unanimously approved.

In attendance on behalf of the Applicant were attorney Alyson Zarro; Neal Fisher of Hankin Group; Len Bradley, civil engineer with RGS Associates; and Guy DiMartino, traffic engineer with Traffic Planning & Design.

No members of the public requested party status.

Testimony was given by the Applicant's witnesses and public comment was received from resident Virginia Kerslake who expressed concerns with traffic congestion in the area. A record was taken by Court Reporter Elaine Parrish.

Mr. Dunn made a motion, seconded by Ms. Santalucia, to continue the hearing to September 14, 2022, at 6:30 p.m. at the Township building. The motion was unanimously approved.

Mr. Dunn made a motion, seconded by Ms. Santalucia, to direct the Township Solicitor to prepare a Decision and Order granting conditional use approval to the application of Keva Flats, LP for the construction of 96 apartment dwellings in two buildings and a floodplain restoration project as depicted on the 9-sheet plan set prepared by RGS Associates dated June 21, 2022, entitled "Conditional Use Plan for Keva Flats" to include the eight (8) conditions listed here below:

1. The Applicant shall provide additional traffic data and analysis to resolve the concerns noted in comments #1 and #2 of the McMahon review dated July 12, 2022.

2. The Applicant shall be responsible for modification of lane markings in Waterloo Blvd. as may be necessary to resolve the concern noted in comment #3 of the Engineering Department memo dated July 12, 2022, and/or the findings of the analysis required by Condition 1, above.

3. The architecture of the proposed buildings shall be substantially similar to the renderings presented to the Planning Commission at the meeting of July 19, 2022.

4. The land development approval for this project shall include a requirement to pay a traffic impact fee in the amount of \$53,613.00 as required by Township Ordinances 427 and 461 and as described in comment #8 of the McMahon review dated July 12, 2022. West Whiteland 2

5. Prior to approval of the land development plan, the Applicant shall provide documentation to Township Staff sufficient to support a determination of the extent to which this project satisfies the requirement to provide permanent open space and recreational facilities

pursuant to §281-47 of the Subdivision and Land Development Ordinance; any deficiency shall be resolved by payment of a fee in lieu of such provision, as described in that same section.

6. The Township agrees to contribute financially to the work of the floodplain restoration aspect. The amount of said contribution shall be equal to the sum of the fees required by Conditions 4 and 5 above.

7. Waiver of §270-15.T of the Stormwater Management Ordinance such that the riparian buffers need not be provided to the extent necessary to accommodate the floodplain restoration project.

8. Resolution of all outstanding consultant and Staff concerns to the satisfaction of the Township.

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

CONSENT AGENDA:

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

- Minutes of July 27, 2022

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

BUSINESS:

1. Resolution 2022-36 Affirming Commitment to Valuing Reproductive Rights and Supporting Access to Abortion

Ms. Santalucia explained that following the Supreme Court overturning the 1973 ruling in Roe v. Wade, which prevented individual states from directly banning abortion, the Township Solicitor was requested to prepare a resolution supporting basic human reproductive rights, safe and legal access to abortion, and the codification of the right to abortion into federal law. The resolution commits to supporting access to reproductive healthcare and condemns any potential act of the Pennsylvania General Assembly or Congress of the United States which seeks to limit access to safe and legal abortion.

Ms. Santalucia made a motion, seconded by Mr. Dunn, to approve Resolution 2022-36 affirming the Board of Supervisors Commitment to Valuing Reproductive Rights and Supporting Access to Abortion. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

2. Resolution 2022-37 Accepting Deed from Sunoco Energy Transfer Donating 601 East Boot Road

Mr. Otteni reviewed his August 5, 2022, Memorandum, and explained that a vacant parcel located at 601 East Boot Road has been identified as a potentially valuable asset for the creation

of a stormwater management facility in an effort to address the requirements of the PA Department of Environmental Protection's NPDES permit process for West Whiteland's Municipal Separate Stormwater Sewer System (MS4). The parcel was formerly owned by Philadelphia Suburban Water. Use of the well on the property was suspended in 1987 subsequent to a pipeline leak on Ship Road and the property was acquired by Sunoco. The Township contracted with Liberty Environmental, Inc. to conduct a Phase I Environmental Site Assessment for the parcel, and the results indicate that there are no underlying environmental concerns in this area. The proposed stormwater facility will not only help the Township meet its MS4 permit requirements but may also improve storm-related flooding to some of the residents downstream.

Ms. Santalucia made a motion, seconded by Mr. Dunn, to execute the resolution accepting the donation of the property located 601 East Boot Road and to authorize the Interim Township Manager to sign documents necessary for the property transfer. Mr. Kumbhardare called for public comment. Virginia Kerslake asked if there were any public water sources or private wells in this area. Mr. Otteni said he is not aware of any. Ms. Kerslake expressed concern that there was no mention in any of the documents presented, including the Assessment Report, of the size of the previous spill noting that it was over 79,000 gallons. She further noted that the Post Remediation Report cited no ground water sampling results after 2011. Maintaining that recent HDD drilling activity in the area could impact residual water contamination, Ms. Kerslake felt that the Township has a fiduciary responsibility to obtain records and check for contamination. Mr. Otteni said monitoring wells revealed zero results, and that the spill plume did not extend as far as the subject parcel. Ms. Santalucia added that the spill occurred at King and Ship and repeated that the Township will be using the vacant parcel to detain stormwater, not for drinking or any type of recreation. Ms. Kerslake maintained that the spill was on Ship Road adjacent to the subject parcel. Mr. Kumbhardare said the spill was not on the subject parcel, that the Phase I Report showed no contamination, and the Township will only be using the parcel to detain stormwater. There being no further comment, the motion was unanimously approved.

3. Monthly Permit Report

Board members had no questions on the Monthly Permit Report.

4. Approval of Township Payment Report for August 10, 2022

Board members had no questions on the Payment Report.

Mr. Dunn made a motion, seconded by Ms. Santalucia, to approve the Township Payment Report dated August 10, 2022. Mr. Kumbhardare called for public comment, and there were none. The motion was unanimously approved.

5. Township Commission Updates from Board Liaisons

Mr. Dunn reported that the Public Services Commission was given a presentation on the status of various road projects within the Township.

Mr. Kumbhardare said the Philadelphians cricket match held at Exton Park had 1500 spectators; the largest for a minor league game in the United States.

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Ms. Santalucia announced the Miller Park Concert this Sunday, August 14, at 6:00 p.m.

6. Staff Updates

Mr. Otteni provided a picture update of the construction at Exton Park, including the pad for the restrooms and the clean fill area soon to be known as the "Sledding Hill".

ADJOURNMENT

The meeting adjourned at approximately 8:21 p.m.

Respectfully submitted,



Pam Gural-Bear
Recording Secretary