



**WEST WHITELAND TOWNSHIP
BOARD OF SUPERVISORS**

BUSINESS MEETING

Minutes of the second October Meeting

October 25, 2023

1. Call to Order

Chairman Brian Dunn called to order the second October 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, Director of Planning & Zoning
Justin Smiley, Capital & Special Projects Manager
Brannon Tupper, Engineering & Construction Projects Mgr.
Todd Greenawalt, Codes Administrative & Enforcement Mgr.
Ed Culp, Interim Public Works Director
Sean Kilkenny, Solicitor
Alex Baumler, Solicitor
Pat Layman, Minutes

ANNOUNCEMENTS:

On behalf of the Board of Supervisors, Mr. Dunn shared the Township's most heart-felt condolences to the friends and family of fallen firefighter Colin Reedy, of the West Whiteland Fire Company, and express our hopes and prayers for the continued recovery of firefighter Emily Gindele. Words cannot express our gratitude to Colin and Emily for their service to the community. A moment of silence was observed in their honor.

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

Election Day is Tuesday, November 7th. Board members encouraged everyone to get out and vote!

The Township Building will be closed on Friday, November 10th in observation of Veterans' Day.

On Saturday, November 11th, the Exton Main Street Shuffle 5K will kick off Veteran's Day at 9AM at Main Street. Donations will go directly to the Chester County Veterans Affairs Fund.

Immediately following the Shuffle, the Friends of the Parks Craft Fair begins at 10 AM and ends at 2 PM at the Township Building.

PUBLIC COMMENT:

Resident Jo Ann Kelton asked the Board to consider separating any proposed tax for EMS and Fire service from the general tax bill so that residents realize that the money is going to a worthy cause and also to help make any tax increase more palatable in this time of inflation.

Resident Libby Madarasz reported that her neighbor at 207 Locust Lane advised her that the property flooded 50 years ago when there was only one culvert under the road, but flooding subsided when a second culvert was added. Ms. Madarasz suggested the Township look further into this possible solution.

HEARINGS:

1. Public Hearing: Petition of Willow Hill Development Group to Amend the Zoning Ordinance and Zoning Map (Weston Tract)

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to open the hearing on the Petition of Willow Hill Development Group to amend the Zoning Ordinance and Zoning Map. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

Mr. Kilkenny reviewed the process to be followed for the hearing. In attendance on behalf of the Petitioner was attorney Alyson Zarro. Mr. Weller provided a description of the proposed amendment to re-zone the area known as the Weston Tract from Office/Laboratory (O/L) to R-1 Residential with a "large tract residential cluster option". Ms. Zarro provided further description of the proposal.

Public comment was received from Mark Sharpellett, Mike Robinson, Mark Russel, Josephine King, Steve Kusar, Ned Conway, Andrew Grey, Jo Ann Kelton, Pat McCabe, Carla Mudry, and Jill Mattia. A record was taken by Court Reporter James Finlan. (See transcript for details).

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to close the hearing. The motion was unanimously approved.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to deny the Zoning Ordinance change, the reason being stating that the adaptive reuse of the historic structures would not be financially viable without the increased density. As for the Zoning amendment, it is not accurate – the viability of adaptive reuse of these structures is not shown on the plan by the Applicant. Also, in the Zoning Ordinance as of today - Section 325-9B(3) permits single family cluster development on tracts of 25 acres or greater with minimum lot size of 22,000 sq. ft. if public water and sanitary sewer is provided. To modify the R-1 District to permit high density residential development on a tract of 50 acres or greater with minimum lot size of 7500 sq. ft. does not seem to be consistent with the intent of the R-1 District. To say that no one wants to live on a lot size that is .5 acres is not 100% accurate nor does it satisfy the basis of a Zoning

Ordinance change. Ms. Santalucia agreed with Mr. Kumbhardare and expressed the need for affordable housing within the Township. Mr. Dunn also agreed with Mr. Kumbhardare and said that the King Road area is not designed for the density that would result from the Petitioner's proposal.

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

PLANS:

1. Collegium Charter School, phase 1, Land Development Plan (501-559 Clover Mill Rd.)

In attendance on behalf of the Applicant were attorney Aristidis Christakis of Buckley, Brion, McGuire & Morris; Jeremy Maziarz, PE, of Chester Valley Engineers; Bill Duffy, Director of Operations and Facilities for Collegium; and Rita Barber, Executive Director for Collegium. Mr. Christakis described the project to construct athletic fields and associated parking for use by Collegium. Because the Applicant wants the fields to be ready for play sooner, the project will be done in two phases; the first for the athletic fields, and the second for adaptive reuse of the historic structure onsite. Only Phase I is being considered this evening. Mr. Christakis said the Applicant is amenable to the proposed conditions of approval outlined in Mr. Weller's Memorandum dated October 20, 2023.

Mr. Weller noted that the plan was reviewed by the Township's Historical Commission on June 12, 2023, and the Planning Commission on June 20 and September 19, 2023. Both Commissions issued motions recommending approval.

Mr. Maziarz confirmed there will be no grading within the floodplain. In response to a question from Ms. Santalucia about restrooms, Mr. Christakis said that will be addressed in Phase II. Mr. Kumbhardare asked how long it will take students to walk from the school to the fields. Mr. Duffy replied about 6 -7 minutes. Mr. Kumbhardare asked that access be kept open for the public to access the Chester Valley Trail. Mr. Christakis said there will be no change to public access from the north, and options through the site will be explored during Phase II of the project.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to approve the land development entitled "Collegium Charter School – Proposed Athletic Fields" as depicted on the 26-sheet plan set prepared by Chester Valley Engineers, Inc., dated May 23, 2023, and most recently revised August 22, 2023 (the "Plan") with the ten (10) waivers and conditions here 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 §270-20 of the Stormwater Management Ordinance such that stormwater infiltration need not be provided, pursuant to comment #2 of the Spotts, Stevens and McCoy ("SSM") review dated September 12, 2023.

3. Waiver of §281-31.A of the S/LDO such that no sidewalks need be provided, subject to the Applicant donating sum to the Township sidewalk fund equivalent to the construction cost of the sidewalk that could be required pursuant to this Section. The amount of such sum shall be determined in consultation with SSM and shall be paid prior to recording of the Plan.
4. Waiver of §281-35.E(3) of the S/LDO to allow a perimeter buffer less than twenty-five (25) feet wide around a stormwater management basin, pursuant to comment #4b of the Theurkauf Design & Planning ("Theurkauf") review dated August 30, 2023. 2
5. Payment of a fee traffic impact fee of \$48,817.00 pursuant to Township Ordinance No. 427 and comment #7 of the McMahon review dated September 12, 2023. Said fee shall be paid in full at or before such time that application is made for the first construction-related permit for this project.
6. If the Applicant cannot accommodate all required compensatory plantings, the Applicant shall make a contribution to the Township tree bank equivalent to the current market value of the trees that could be required, pursuant to the provisions of §281-34.G of the S/LDO.
7. All remaining consultant concerns shall be resolved to the satisfaction of the Township.
8. 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 of Supervisors hereby authorizes the Township Manager to sign these forms on behalf of the Township.
9. 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; such estimates 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 of Supervisors hereby authorizes the Township Manager to sign these forms on behalf of the Township.
10. Payment of all outstanding Township invoices within 45 days of the date of the final approval of the Plan.

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

CONSENT AGENDA:

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

- Approval of October 11, 2023, Minutes

- Approval of October 17, 2023, Minutes
- Resolution 2023-40 Disposition of Media

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

BUSINESS:

1. Award of Bids for Public Works Facility

Ms. Gural-Bear introduced Michael Wright with Heim Construction who will be overseeing the project. She then thanked Staff, and everyone involved in the team effort to bring this project to the point of awarding bid. Mr. Wright described the next steps in the process and said he will be meeting monthly with the Board of Supervisors to provide progress reports. A kick-off meeting has tentatively been set for November 8, 2023. Ms. Gural-Bear asked the Board to award the contracts to the lowest bidders for low base bid and Alternate 1, which would remove the new generator from the bid project. Mr. Kumbhardare and Mr. Dunn both expressed agreement to keep the generator in the bid.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to award the contracts to the stated lowest bidder for construction of the new Public Works facility to be located at 121 Valley Creek Blvd. as follows:

General Contractor – L.J. Paoella Construction, Inc.

Civil – Foresight

Plumbing – AKC

Mechanical – Shannon Smith

Electrical - Schipsi

Fire Suppression – Guy M. Cooper

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

2. Adoption of Act 537 Plan: Special Study

Mr. Smiley reviewed his October 20, 2023, Memorandum and noted that comments have been received from Charlestown, East Bradford, Chester County Health Department and the Chester County Planning Commission, none of which had concerns.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to adopt Resolution 2023-41 and adopting the "Act 537 Plan: Special Study for DARA Service Area" prepared by Carroll Engineering Corporation for West Whiteland Township. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

3. Approval of Road Closure for Exton Main Street Shuffle 5k

Mr. Culp reviewed his October 19, 2023, Memorandum, and confirmed that businesses in the area will still be open and able to conduct business. The Fire Police and Police will provide help with the road closure, and all required permits and insurance certificates have been provided.

Ms. Santalucia made a motion, seconded by Mr. Kumbhardare, to authorize the temporary closing of Commerce Drive, both directions, between Main St and Whitford Road on Saturday, November 11, 2023, from 6:30 AM to 11:00 AM. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

4. 2024 Budget Discussion:
a. ARPA Revenue Update & Property Tax Options

Ms. Gural-Bear reviewed the proposed spending for the remaining ARPA funds which include \$100,000 to Stormwater projects, \$500,000 to Vehicle & Equipment Replacement Fund, \$150,00 to the Public Works facility, and \$800,000 for construction of pickle ball courts, tennis courts, and one basketball court at Exton Park. Because ARPA funds must be used by the end of 2024, Mr. Kumbhardare suggested the money allocated to the Vehicle & Equipment Replacement Fund be directed to Stormwater, Parks, and Public Works facility. Staff will make this change.

Ms. Partridge reviewed Property tax options. The current property tax rate is 0.714 mills. A proposed increase to a total of 2 mills would generate \$3.8 million to be allocated to Fire, EMS, Parks, Sustainability, and Stormwater projects. An increase to 2 mills would increase the average residential tax bill by \$100 for a total average residential tax bill of \$354/year. Ms. Partridge advised that the Second-Class Township Code allows the municipality to assess a separate tax for EMS and Fire service, but it is restrictive in how the entities can use the money, and the Township would have no control over the use. Staff recommends any tax increase be a general increase with contributions to be made to Fire and EMS as determined by the Board. Ms. Gural-Bear suggested the Township Newsletter, scheduled to be in homes in November, could feature an article on any proposed tax increase, explaining the need for it, and how the money will be used. Board members agreed to include such an article in the Newsletter.

b. Capital Projects Plan (Public Service Fund)

Mr. Smiley reviewed the list of Capital Projects that have been committed. They include the Public Works facility, Public Works Solar, Clover Mill Pump Station rehabilitation, Boot Road House Solar, and Exton Park Phase II.

Projects still open for discussion include Comprehensive Plan Update, Township Building EV Stations, Stormwater projects to be named, Grubbs Mill Pump Station Rehabilitation, Mill Valley Pump Station Rehabilitation, and numerous others. Mr. Kumbhardare agreed that the Comprehensive Plan should be updated. Staff plans to do this update inhouse with assistance from SSM and McMahon Associates.

Ms. Santalucia questioned \$100,000 assigned to the Fitness Court, noting that the Board only approved a maximum of \$50,000. She maintained that no municipality completed the project for less than \$200,000. Mr. Culp said the cost goes up every year and Staff is looking for grants and a sponsor to bridge the difference.

c. Planning and Zoning; Historical Preservation

Mr. Weller advised that the Planning budget has decreased 14%, but this is due to moving engineering fees to the Administration budget. Mr. Weller estimated the Comprehensive Plan update to cost about \$90,000 if no grants can be secured. The Plan has not had a complete update since 1992 but has had piecemeal amendments made to it over the years.

Ten thousand dollars has been budgeted for a historical timeline project highlighting special events within the Township and to be displayed in the lower corridor of the Township building as a great resource for public education.

d. Code Administration

Mr. Greenawalt presented the Codes budget and noted a 3.5% increase due to contracted services that were needed when Staff was short. With recent hires, the contracted services bills have been significantly reduced. Accomplishments this year include team certifications, adoption and enforcement of a Property Maintenance Code, and implementation of a rental inspection program. A goal for next year is to implement a fire and life safety inspection program for commercial properties. Staff will also initiate a plan for greater communication with the various HOA's in the Township.

5. Approval of Township Payment Report for October 25, 2023

Staff provided answers to Board members' questions.

Mr. Kumbhardare made a motion, seconded by Ms. Santalucia, to approve the Township Payment Report for October 25, 2023. Mr. Dunn called for public comment, and there were none. The motion was unanimously approved.

6. September Financial Report

Ms. Partridge explained that all Earned Income Tax has not yet been received by the Township resulting in the difference from the \$7.7 million budgeted.

7. Township Commission Updates from Board Liaisons

Ms. Santalucia said the Main Street Shuffle 5K run is scheduled for Saturday, November 11th with the craft fair to follow immediately thereafter at the Township building.

Mr. Kumbhardare reported that the Planning Commission reviewed a plan for an express car wash service to be located along Route 100 across from Buckman's Ski Shop. The Commission also reviewed an expansion for Mary C. Howse Elementary School and recommended that the Applicant meet onsite with adjacent neighbors to see what can be done to mitigate stormwater issues in the area. The proposed student drop-off area and expanded parking lot will be a big improvement over the existing condition.

Mr. Dunn attended the Pension Advisory Board meeting noting that while 3rd quarter returns were bleak, the year-to-date returns were good.

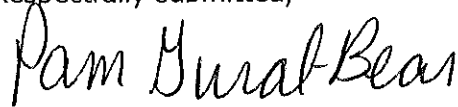
8. Staff Updates

Chief Benson announced DEA National Drug Takeback Day this Saturday from 10:00 a.m. to 2:00 p.m. where people can drop off their unused medications for safe disposal.

ADJOURNMENT

The meeting adjourned at approximately 9:19 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Pam Gural-Bear". The signature is written in a cursive, flowing style.

Pam Gural-Bear
Recording Secretary