

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE
December 15, 2008 7:30Pm

In attendance were Supervisors Chair Thomas A. Foster, Vice Chair Carol R. De Wolf, and Charles P. Barber Police Commissioner; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; Township Solicitor Robert F. Adams and Township Planning Commission Member David Walter. There were eight guests in attendance.

I. Call to Order.

As there was a quorum present Chair Thomas Foster called the meeting to order at 7:39 PM and led those present in the pledge of allegiance to the flag.

II. Approval of Minutes (December 1, 2008 Regular Meeting).

Ms. De Wolf made a motion, seconded by Mr. Barber to approve the minutes of the December 1, 2008 regular meeting. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

III. Summary of Board of Supervisors Workshop 12/15/08.

Mr. Foster stated that the Board informally discussed the following: Park Policy and Park User Fees which are on this evening's agenda; An application before the Zoning Hearing Board for the property at 20 S. Garden Circle where the applicant has encroached on the Township sewer right of way and has asked the Board to intervene with this issue. The Board is declining to do so as they do not want to set a precedent; A request from the Township Fire Marshal for a 911 addressing program for uniform numbering of the Township. As the majority of residents are in compliance with the correct numbering of their property the Board feels a Township wide program is not necessary; A review of the draft for the on-lot management program prepared by URS. The Board is planning to hold public hearings on the program early next year. The vacancies on the various commissions were discussed. There is one opening on the Planning Commission; an alternate is needed for the Zoning Hearing Board, several openings on the Parks Advisory Commission and one opening on the Oakbourne Mansion Commission. Residents were advised to contact Mr. Layman if they have an interest in one of these positions.

IV. Departmental Reports.

A. Westtown-East Goshen Police Chief John M. Dumond.

Chief Dumond reviewed the November Police Report. The Department responded to 439 calls in Westtown in November. He stated that the officers have completed their semi-annual firearms qualification training and have also completed diversity and sensitivity training. Chief Dumond reported that a DNA sample from a burglary at Tree Tops in East Goshen led the police to a suspect who was recently arrested in Philadelphia. Chief commended the detectives for their work in this case. Mr. Barber asked if there has been a rise in retail theft and house burglaries. Chief Dumond responded that there has been little increase in retail theft. The increase they are seeing is theft from vehicles, GPS devices are the main item taken.

B. Planning Commission – David Walter.

Mr. Walter stated due to the lack of an agenda this week's Planning Commission meeting had been canceled. He stated that the Board has two office projects that they are reviewing. The first is the Loew Land Development Plan for 1081 Wilmington Pike. The applicant has not decided if the building will be for medical or business offices. The applicant will not apply for a building permit until 50% of the units are leased. Mr. Walter stated that there are some set back issues with the plan. The second project is for Fair Share properties for professional offices and a bank at 1074 Wilmington Pike. Mr. Walter said the residents of Arborview have

concerns about the connector road. He stated that the connector road has always been part of the subdivision plan for Arborview. Ms. De Wolf stated even if the office is not built the developer is still responsible for the connector road. Mr. Adams stated that it is the responsibility of the developer in conjunction with the development of the site. As there are new members on the Planning Commission he suggested that they be given materials relating to the background of the connector road. Mr. Walter stated that the Commission also reviewed sketch plans for a proposed minor subdivision at 1015 Shiloh Road. The Commission has some questions concerning the creation of a flag lots. Mr. Walter mentioned that Kevin Flynn will be resigning from the Planning Commission.

C. Financial Report – Robert Layman.

Mr. Layman reviewed the Township finances through October. He stated that tax revenues are up because of the Earned Income Tax. Revenue from rents is lower than expected because of the under utilization of Oakbourne Mansion. Intergovernmental revenues are up in all categories; mainly the liquid fuels account. Reimbursement for developer fees is also higher but is offset by expenditures in other areas. Sewer revenue is down due to lower interest earnings and slow payment of user fees. Mr. Layman reviewed the expenditures. He stated that there are outstanding engineer fees which have not yet been reimbursed, the premium for Goshen Fire Companies Workman's Compensation was higher than expected, collection of user fees for trash/recycling collection is also slow and the insurance on Oakbourne Mansion has been increased. Mr. Layman stated that payroll was up due to an extended illness in the office for which a temporary replacement was hired. Also it has been difficult to find independent snow removal contractors. The Township has had to hire individuals to plow and include them in our payroll. Sewer expenses are higher due to the TMDL expenses and an increase in fuel oil and chemicals needed at the plant. Ms. De Wolf said she wanted to make it clear that the under utilization of the Oakbourne Mansion was not the fault of the Oakbourne Mansion Commission as they have been doing an excellent job in trying to market the Mansion.

IV. Public Comment-Non Agenda Items.

Ms. De Wolf stated that the Holiday Party for the Township staff had been held at Oakbourne Mansion and thanked Mrs. Foster and the members of the Oakbourne Mansion Commission for making this an enjoyable evening. She stated the Commission did a wonderful job this year to try and pull the Mansion together making the Mansion a tremendous benefit to the Township.

Gary Bevilacqua, 109 Macroom Avenue, asked the status of the Lighting Ordinance. Ms. De Wolf stated that she had advised Mr. Bevilacqua at the December 1st meeting that the Board would be addressing this in January. She also stated that the Board was to meet with a sound consultant at Rustin but the site meeting was canceled. The Board is moving forward but there is no time frame at this point. Mr. Bevilacqua said he has been involved with building athletic fields and he has concerns as a tax payer. The ordinance is for all schools and he questioned what the scope of work would be for the sound engineer. He stated that other Townships do not have any sound requirements in their ordinances. Mr. Barber asked Mr. Bevilacqua if he had children at St. Max. Mr. Bevilacqua responded no but that he had a son at Rustin who would be graduating next year. Mr. Barber also asked Mr. Bevilacqua if he had an interest in a lighting company. Mr. Bevilacqua said he is an engineer and has working relationships with lighting companies but has no other interest. Ms. De Wolf said she has received emails from parents some of whom live outside of Westtown. Mr. Bevilacqua said he is the point of contact for the lighting issue. He stated that a petition has been generated on line which has 300 signatures. He stated that there should be a large overflowing audience at the next Board of Supervisors meeting. Ms. De Wolf stated that the sound engineer would be addressing issues that are particular to Rustin especially on the western side of the site. Mr. Bevilacqua said that sound comes from various locations, such as the PA system, traffic and the fans and how do you measure this. Also, as there are no buffers at St. Max the measurements would be different. Mr. Barber said the Township would not like to have another project with the WCASD that would create problems as the Rustin pumping station has. He also stated, as a tax payer that he has concerns with the district wanting to close an elementary school and build a new one. Mr. Bevilacqua said that is a fair concern and he would like to see the pump station completed. Mr. Barber said he has a hard time understanding why games cannot be played in the afternoon and the necessity for large stadiums with lights.

Mr. Bevilacqua said it helps athletes who have afterschool jobs, working parents who might not be able to attend afternoon games, and a place for children to go on a Friday night. Mr. Bevilacqua thanked the Board for their time.

Eva Foster, 734 Westbourne Road, said she does not understand why lights are needed and agreed with Mr. Barber. She stated if this is something for the children to do at night where are the parents? Why don't the parents take care of them instead of asking the community to pay for lights which in effect are being installed to babysit their children. She thanked the Board for their time.

Leonard Tehrani, 611 E. Street Road, said the lights from the field at St. Max are blinding when one is driving on Route 202. Mr. Tehrani said he feels that lights are not needed and will ruin what we have in the Township. He stated when he was growing up you could see the stars and not pollution from lights. He can see the lights from Cheyney University and does not want to see lights at Rustin. He feels games should be played during the day. Mr. Foster said the Board will be discussing this in upcoming meetings.

Mr. Bevilacqua said that people need to be educated about the spillage and glare from lights. He stated that what Mr. Tehrani had said is true but what is required in Westtown's proposed ordinance is the tightest he has seen. There should not be any glare from the field. Mr. Barber asked about the cost of field lighting as affected by the recent rise in energy costs. Mr. Bevilacqua said it cost \$35.00 per hour for the field lighting at the sports complex at Westtown Road and Route 202.

Mr. Tehrani asked if the ordinance will designate the hours the lights can be used. Mr. Foster responded that this would be in the ordinance.

V. Old Business:

There was no old business at this time.

VI. New Business:

A. Appoint Open Records Officer.

Mr. Foster stated that under the State's new Open Record's policy each municipality needs to designate an Open Records Officer. Robert Layman, Township Manger will be the Open Records officer.

Mr. Barber made a motion, seconded by Ms. De Wolf to appoint Robert Layman as the Open Record's Officer. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the appointment.

B. Adopt Resolution 2008-5 "Right to Know Policy".

Mr. Foster stated that the Township has been in compliance with the State's Right to Know Law since it's inception. The resolution is in the official form that the State has approved.

Mr. Barber made a motion, seconded by Ms. De Wolf, to adopt Resolution 2008-5 "Right to Know Policy". Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted Resolution 2008-5.

C. Approve 2009 Audit Contract Mingis Gutowski Company.

Mr. Foster said we have being using Mingis Gutowski for some years now and feel they do a fine job. The amount of the 2009 contract is \$13,000 which is an increase of 1.5%.

Mr. Barber made a motion, seconded by Ms. De Wolf to approve the 2009 audit contract with Mingis Gutowski Company in the amount of \$13,000. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the contract.

D. Approve Township Park Policies.

Mr. Foster explained the changes to the Park Policies. As there are various groups that have responsibility for the Mansion and park grounds it has become necessary to have a chain of command to oversee the activities of these groups. The Park Policy designates the duties of the Township Manager, Roadmaster, Executive Secretary and Code Enforcement Officer for overseeing the activities of these groups. Parks Advisory and the Oakbourne Mansion Commission are considered the official committees for the Township. The groups that participate unofficially are Friends of Oakbourne who are involved with tree planting and the Oakbourne Garden Club who care for the Clock Garden in front of the Mansion. Anyone wishing to use the Mansion for any event must make a formal application to the Township. There is a fee schedule for use of the Mansion and certain requirements that must be met which are determined by the type of event that is to be held. Mr. Foster stated that maintenance to the Mansion has been deferred for many years and the Township does not have all the funds to do all the necessary work. The Oakbourne Mansion Commission was created to raise funds by holding paid events and rental of the Mansion. He stated that there are Township groups that have been using the Mansion without being charged a fee. Under the new usage policy only non-profits as designated by State or Federal tax authorities will have free use of the Mansion. The usage must be approved by the Board of Supervisors and any free use of the Mansion must not conflict with paid events. Mr. Foster stated that there are six Homeowner Associations that will continue to be able to use the Mansion without a fee. Mr. Foster stated that the Board discussed the new policies at their workshop and asked for a vote to approve the policies. Ms. De Wolf stated that she was sensitive to the language on page two under Commission (second sentence "the distinctions must be respected") and asked that it be deleted.

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the Park Policy and Usage Policy with the deletion of the wording on page two under Commission. Mr. Foster asked for public comment.

Mr. Pavelchek, 1050 S. New Street, stated he had seen the initial draft and had commented that groups should not be mentioned by name. It should be a general policy that would cover any organization otherwise the policy would have to be revised if there is a change in a group. Mr. Foster said that the Board is pre-approving certain groups. Ms. De Wolf asked if the policy allows any non-profit to use the Mansion if approved by the Board. Mr. Foster said that is correct. Ms. De Wolf asked if Mr. Pavelchek's concern was not limiting the free usage to six groups. Mr. Pavelchek stated that if you name the organizations it limits the overall usefulness of the policy. The policy should cover any organization. Mr. Foster said the Township is trying to limit free use of the Mansion. Ms. De Wolf asked if Mr. Pavelchek would be agreeable to the policy if the specific group's language is deleted. Mr. Adams said he agreed with Mr. Pavelchek that it should be a general policy. This would avoid any criticism directed at the Board.

Mrs. Foster, Chair of the Oakbourne Mansion Commission, expressed that they have worked very hard to raise money and to bring the Mansion up to where it is at this time. She stated she objects to freebies whatsoever. She feels people should be treated equally there should not be a bias. If a Homeowner Association wants to use the Mansion they should pass the hat and take a collection to cover the fee. Mrs. Foster said she feels the Township is on thin ice when they start showing bias especially if the Human Relations Commission gets involved. They should not show bias or discriminate. Mrs. Foster stated when she receives calls she tells them the cost and requirements on insurance, caterers, etc. Most of the people when they hear the cost don't want to pay and don't call back. She also stated that there are many cases in the Township that were freebies which cost the Township and the tax payer. Mrs. Foster asked the Board not to make it harder on the Commission, to let them do their job and make a sparkling jewel for the Township. Mr. Adams addressed Mrs. Foster use of bias saying that it is a strong word. He stated that there are various categories of freebies. Mr. Adams said in his view certain freebies, if they are for tax payers, would be justified to be distinguished from others who are seeking free treatment. Westtown Township tax payers who belong to civic or Homeowners Associations in the Township are paying for the maintenance of the Township through their taxes. He stated he feels no one from the

Human Relations Commission would have a problem with that. Mr. Adams said he understands Mrs. Foster's concerns but there are different situations that justify different treatment. Westtown Tax payers should receive priority. Ms. De Wolf advised Mr. Adams that the Board is aware of this.

Mr. Bevilacqua said West Glen HOA uses the Mansion for their meetings and feels that this should be allowed. He stated that WCUCS holds their meetings at a Township where they are not charged.

Mr. Tehrani said he had not seen the draft policy and is it available to review before adoption by the Board. Mr. Layman stated that he had sent the policy to Parks Advisory. Ms. Lisi had reviewed the policy and did not have any concerns. Mr. Tehrani asked if all parties concerned had seen the draft. Mr. Foster responded that they had. Mr. Tehrani asked if they had to respond in writing. Mr. Layman stated that Ms. Lisi had responded. Mr. Foster advised Mr. Tehrani that the policy does not infringe on Parks Advisory. Ms. De Wolf said they have worked for months on the policy which was revised on the comments that were received. Mr. Tehrani said Parks Advisory has requested to change their name from Parks Advisory to Park and Recreation. Mr. Foster said this can be done at the reorganization meeting in January. Mr. Layman said Parks Mission Statement would also have to be changed. Mr. Tehrani questioned adopting the policy before Parks Advisory was changed. Mr. Foster said the Board is clear on adopting of the policy. He stated that the new policy will be helpful to Parks Advisory.

Ms. Gifford, 1131 S. Chester Road, stated in her opinion non-profits should be allowed use of the Stokes Assembly Hall. She stated when meetings are held in the Mansion it ties up a night that could be used for a paid event. Mr. Foster stated as Township personnel would be needed to open and close the building there would be costs involved.

Mr. Pavelchek asked if the motion was amended. Mr. Foster responded the motion is amended to reflect his and Ms. De Wolf's concerns. The Board of Supervisors unanimously approved the Park Policies.

E. Approve 2009 Westtown-East Goshen Police Department Budget.

Mr. Barber stated that in 2008 funding the Police Department was 40% of the Township budget and this year it will be 41.76%. One of the major factors for the increase is that the Police Department can no longer use a private insurance company for Workmen's Compensation but must now be under the State's program. He also stated that a capital projects fund will be established for future maintenance of the building.

Mr. Layman stated that under our municipal agreement with East Goshen both Townships' must approve the entire budget.

Mr. Pavelchek asked if the police costs are reflected in the Township budget in section 410. Mr. Layman responded that is correct. The Township's share of the police budget for this year is 38%.

Ms. De Wolf made a motion, seconded by Barber, to approve the 2009 Westtown-East Goshen Police Department Budget. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the 2009 Westtown-East Goshen Police Department budget.

F. Adopt Ordinance 2008-3 Amendment of Sewer Ordinance 2007-7.

Mr. Foster stated that the sewer revenue is down but expenditures have increased which necessitates an increase in the sewer fees. West Goshen District 2 and 4 will increase to \$155.00 per quarter. Westtown-Chester Creek District 10 will increase to \$172.00 per quarter. Mr. Foster stated that eventually there will be a uniform rate for all districts which is only fair as the basic costs are the same for each district.

Mr. Barber made a motion, seconded by Ms. De Wolf, to adopt Ordinance 2008-3 amending Sewer Ordinance 2007-7. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted Ordinance 2008-3.

G. Adopt Resolution 2008-6 Residential Solid Waste Collection Fees.

Mr. Foster stated that as the Township's contract is increasing next year it is necessary to raise the collection fee to \$80.00 per quarter order to meet all our expenses.

Mr. Barber made a motion, seconded by Ms. De Wolf, to adopt Resolution 2008-6 Residential Solid Waste Collection Fees. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved Resolution 2008-6.

H. Approve 2009 Township Budget.

Mr. Foster reviewed the budget in the amount of \$6,089,034.00 and stated that there will be no increase in the Township Tax this year (Budget available at the Township Office and on the Township website www.westtownpa.org). He stated that the Board will be reviewing the budget quarterly to determine if any adjustments are needed.

Mr. Pavelchek questioned the 8.34% increase in nine line items in the budget for wages and salaries. Mr. Layman stated that this is not wage increases for the employees but reflects hiring of extra personnel for snow plowing. Mr. Layman stated that he would be glad to meet with Mr. Pavelchek to review the budget. Mr. Pavelchek asked about the decrease in expenses for electricity. Mr. Foster responded that the Township is now using LED lights.

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the 2009 Township Budget. Mr. Foster asked for public. There was no public comment. The Board of Supervisors unanimously approved the 2009 budget.

VII. Public Comment (All Topics).

Mr. Tehrani thanked the Board for funding Parks Advisory this year so they can proceed with event planning.

Ms. De Wolf thanked Ms. Grube for the excellent budget packet the Board received.

Jeff Winiiecki, 207 Swinburne Road, commented that based on Mr. Barber's comments he is opposed to the lighting. Mr. Winiiecki said I respect that he has personal views but they should not affect approving the ordinance. He stated he also respects Ms. De Wolf's views. He stated that the Supervisors should act in the best interest of the majority of the Township on this issue even if it is against personal feelings. Mr. Foster advised Mr. Winiiecki that the Board is aware of that and has taken an oath to that affect.

VIII. Payment of Bills.

On the motion of Ms. De Wolf, seconded by Mr. Barber, the Board of Supervisors unanimously approved payment of the bills as presented.

IX. Adjournment.

On the motion of Ms. De Wolf, seconded by Mr. Barber the meeting was adjourned at 9:32Pm.

Respectfully Submitted,

Robert Layman,
Township Manager

