

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE
June 15, 2009 7:30Pm

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

I. Call to Order.

As there was a quorum present Chair De Wolf called the meeting to order at 7:40Pm and led those present in the pledge of allegiance to the flag.

II. Approval of Minutes (June 1, 2009 Regular Meeting).

Mr. Foster made a motion, seconded by Mr. Barber to approve the minutes of the June 1, 2009 regular meeting. Ms. De Wolf 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 6/1/09.

The following items were discussed at the workshop: Security issues with Township computers; How to step up efforts to collect overdue utility accounts; Held an Executive session to discuss Police negotiations; and reviewed revision of rates for rental of Oakbourne Mansion.

IV. Departmental Reports.

A. Westtown-East Goshen Police Chief John Dumond.

Chief Dumond presented the May Police Report. He announced the sad news that Rikko, the Department's first police dog, who was with the Department for 8 years, had recently died at 12 years of age. He had served the Department well and will be missed. Chief Dumond announced the arrest of a suspect in the fatal accident at Green Tree Road and Route 202. He commended Officer Gorman for his work on the case. The recent graduation at Bayard Rustin High School went well with no incidents. Chief Dumond also reported that the Department had assisted Marple Township Police with the arrest of a suspect in Westtown for an attempted murder in Marple Township. Ms. De Wolf asked if one of the missing persons in his report was related to a previous case. Chief Dumond responded that it was not the same gentleman. Ms. De Wolf commented that she had received positive feedback from residents of Dunning Drive concerning the Department's handling of the Rustin graduation.

B. Township Solicitor – Robert Adams.

Mr. Adams reviewed the status of the Lain agreement for connection to public sewer. He stated that he had spoken with Ms. Rossi and the only objection was the ten year connection limitation as the Lains would like 25 years. On the advice of Mr. Adams the Board will offer a 15 year limitation as a compromise. Mr. Adams advised the Board that the agreement should not be executed until all outstanding consultant fees are paid by the Lains.

C. Planning Commission – Brent Whitig.

As Mr. Whitig was not in attendance Mr. Layman reported on the Planning Commission. He stated due to the lack of an agenda the June 3rd meeting had been canceled. At this week's meeting the Commission will review the Rossiter sketch plan for a three lot subdivision at 500 East Pleasant Grove Road.

V. Public Comment-Non Agenda Items.

Sean McIntyre, 1537 Overhill Road, asked for the status of his complaint concerning the property at 1534 Overhill Road which he believes is being used as a multi family dwelling. The owners have installed a second kitchen and put in a new electric service. He has contacted the Township about this and has spoken to both Mrs. Adler and Mr. Wilson. Ms. De Wolf asked how many unrelated people are living there. Mr. McIntyre said it appears there are eight persons who live there. Mr. Layman said the Township is aware of this situation and it is being addressed.

Robert Perlsweig, 1191 Carrie Lane, asked if a decision has been made concerning the situation with the stormwater basin between his and his neighbors property at 1193 Carrie Lane. Ms. DeWolf said she will be making a site visit this Thursday with a consultant and Mark Gross. Mr. Perlsweig said he would be available on Thursday and would like to be there. The meeting time was scheduled for 11:00AM.

Karen Jackson, 1532 Overhill Road, said she lives next door to the property that Mr. McIntyre was addressing. She presented copies of e-mails which were sent to the Board of Supervisors concerning this situation.

Mrs. De Wolf acknowledged the young student who was in attendance and asked his purpose for attending the meeting.

Danny Hanna, 1017 N. New Street, said he is a member of Troop 66 and is working on his communications merit badge. He needed to attend and report on a Township meeting.

VI. Old Business:

There was no old business at this time.

VII. New Business:

A. Adopt Resolution 2009-9 "Prevailing Wage".

Mr. Layman stated that there is legislation before the State Senate which would suspend prevailing wage requirements for three years. The resolution will be sent to Senator Erickson expressing Westtown's support of the bill.

Mr. Foster made a motion, seconded by Mr. Barber, to adopt Resolution 2009-10 and forward to Senator Erickson. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted the resolution.

B. Adopt Resolution 2009-10 Internet – Website Advertising of Public Notices.

Mr. Layman stated that he was notified of this late Friday which was not in time to have on the Agenda. The Resolution is in support of legislation before the State Senate pertaining to municipalities being able to advertise public notices on the internet or Township website instead of in newspapers or other publications. This would be a definite cost savings to the Township. The Resolution would be sent to Senator Erickson expressing Westtown's support of the bill. As the resolution for the rental fees for the Smith Mansion is being tabled Mr. Layman asked that this be adopted as Resolution 2009-10.

Mr. Foster made a motion, seconded by Mr. Barber, to adopt Resolution 2009-10 and forward to Senator Erickson. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted the Resolution.

C. Adopt Resolution 2009-10 Amending Resolution 2007-7 Smith Mansion Rental Fees.

This item was tabled.

Ms. De Wolf stated that Mrs. Foster has had inquires for the use of the Mansion for a tented event. As there are no fees in place for this type of event she asked the Board to approve

the fees that would be charged. The Board had discussed this at the workshop. The fee would be \$800.00 with a 20% discount for Township residents. The fees are being requested for four weddings July 24th, a date in August, September 3rd, and October 5th; and a one year old birthday party. Ms. De Wolf asked for a motion to approve the fees for these requested events.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the rental fee of \$800.00 (20% discount for Township resident) for the above referenced events at the Mansion. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the fee.

D. Adopt Resolution 2009-11 West Chester Area Council of Governments Energy Office.

David Ward, a member of the Bluer Committee, was in attendance.

Ms. De Wolf advised Mr. Ward that the Board of Supervisors had discussed the Bluer Committees proposal to create an energy office at a previous workshop.

Mr. Ward stated that the Council of Governments has concluded that there is a need for a multi- municipal effort to focus on energy conservation. Municipalities need to find ways to reduce their energy cost in light of the strict budgets they will be facing for 2010 and beyond. He stated if the Board passes the resolution the Council of Governments ("COG") can apply for grants to cover the cost of the energy office. The office would be a resource for the members of COG who wish to do an energy audit. The money a municipality would save on energy conservation could be used for other budget items. Mr. Ward asked the Board to consider adopting the resolution in order for COG to proceed with the funding. Ms. De Wolf said this does not cost us anything but will allow the Township to move forward to reduce our carbon footprint and show where the Township can save on energy costs. Mr. Barber said in looking at the Bluer Committee's projections for establishing the energy office, \$280,000 will be needed for the first year and \$700,000 for the second year. He asked if the office will be based in West Chester and how many staff will be needed. He stated that it appears to him that a bureaucracy will be created. Mr. Ward said it has not been determined where the office will be. He stated that the budget is a draft and based on a program in the Midwest. The funding will come from a percentage of what the municipalities have saved in energy costs. Mr. Foster said in the projections 80% of the savings would go back to the energy office. Mr. Ward said the funding would go to COG. Mr. Foster asked if the members of COG would have to contribute additional funding if the savings and grants do not cover the expenditures of the energy office. Mr. Ward said this will be worked out when the energy office is up and running. He also stated that conserving energy is a component of the Federal Governments stimulus package. This is a roadmap for what municipalities can or cannot do to conserve energy. Mr. Layman advised the Board that they will have obligations beyond the approval of the resolution. Mr. Adams stated as COG exists under a municipal agreement will the agreement be amended to reflect the imposition of charges that the municipalities would have with the energy office. Mr. Adams said the Board would want to know what savings there would be and what procedures will be in place for the energy office. Mr. Foster said he would like to see a detailed business plan and that he is uncomfortable doing this based on what he has seen so far. Mr. Adams asked how many municipalities have passed the resolution so far. Mr. Ward responded that three have.

Ms. De Wolf asked for a motion to approve the resolution. Mr. Barber said he would not make a motion as he is bothered by this and feels this will be another bureaucracy spending money to make money. Ms. De Wolf said she would make the motion. She stated she thinks if anyone questions climate issues and carbon footprints they are not seeing what is before us. She stated that we have an obligation to our children and future children. She also stated even if you don't think this is important to our area we have an obligation to our residents to look into this. She stated she supports the Bluer Committee and the energy office and feels there is a limited window of opportunity to address these issues. Ms. De Wolf made a motion to adopt Resolution 2009-11 in support of COG with the energy office and the work they are exploring. Ms. De Wolf said there is no obligation to the Township and does not see a negative only a benefit at this point. Mr. Foster said he would not second the motion at this

time as he has yet to understand the business part of this issue and agrees with Mr. Barber's statement pertaining to creating a bureaucracy.

Tim Lutz, Bluer Committee, stated that he thinks the Board of Supervisors maybe sensitive to the fact that they might become involved with something that may create unnecessary government structure or unnecessary cost to the Township but feels they also need to be aware of the benefits not just the risks. He stated that the handout the Board received shows how much West Chester Borough has saved on energy on just one building. The savings in dollars could be a substantial asset to the Township even if some of the funds have to be returned to the energy office. Ms. De Wolf asked how much the Borough has saved so far. Mr. Lutz responded \$9,000 in the past five months. The energy office will not only benefit the Township but will be able to advise every resident, institution, and business in the Township how to save energy costs. The positive advantages go far beyond the risks. Mr. Barber asked if there are funding grants available to the Township. Mr. Lutz said there are grants available to residents for items such as weatherization. He stated he feels this is not a spending situation for the Township.

Lee Hartwig, 1001 Russell Lane, said he is a member of the National Association of Home Builders and a Green Professional. He stated he is generally in agreement with the statements that were made but does not agree with the statement that funding comes from outside of the Township. The funding comes from the tax payers. We are spending money that does not exist and someone will have to pay down the road. He stated when we reduce energy costs utility companies increase their cost and he is not sure if there will be long term savings. Mr. Hartwig stated it would be good to look at energy savings for the Township. He agrees with the concept of the energy office but with controls. Mr. Foster said he does feel that the Township should look at its energy costs. Ms. De Wolf asked if there is a second to her motion. There was no second. The Resolution was not adopted. Ms. De Wolf thanked Mr. Ward for attending the meeting.

E. Zoning Hearing Board Application Lady 1638 E. Street Road.

Rob Lambert, Engineer for the applicant, was in attendance.

Ms. De Wolf asked if the Zoning Hearing was scheduled for tomorrow evening, the 16th. Mr. Layman responded yes and that the Board had discussed this at their last meeting.

Mr. Lambert stated that the applicant is proposing to build a new house on the lot at 1638 E. Street Road. As there is a stream on the property the building set back will infringe on the riparian buffer. The applicant is asking the Zoning Hearing Board for a de minimus variance for the buffer. The applicant has agreed to maintain the 60' set back which is the ultimate right of way from Route 926. Mr. Layman stated they are agreeing to do this because of the possible future widening of the curve on Route 926. Mr. Adams asked if Mr. Lambert was in attendance to ask for the Board's endorsement of the zoning request. Mr. Layman stated that the Planning Commission has already made a recommendation to the Zoning Hearing Board in favor of the variance. Ms. De Wolf stated that she thought the setback for the buffer was 100' not 75' and felt the encroachment was not appropriate and would prefer moving the house location closer to Route 926. She stated that she feels the widening of Route 926 is not high on PennDOT's funding list. Mr. Foster said that he was in favor of the de minimus variance. Mr. Adams said that he feels the variance is a fair compromise as the Township is honoring the setback for the 926 corridor.

Mr. Barber made a motion, seconded by Mr. Foster, to concur with the recommendation made by the Planning Commission to the Zoning Hearing Board. Ms. De Wolf opposed. Ms. De Wolf asked for public comment. There was no public comment. On a vote of two to one the recommendation to the Zoning Hearing Board was approved.

VIII. Public Comment.

Mr. Barber asked about the letter from Mr. Pingar concerning dedication of Shiloh Road. Mr. Layman said there has still been no response from the School District but feels they are

committed to fixing the road. He also stated that Mr. Pingar and Mr. Gross are recommending that a third party inspect the road repairs when they are being done.

IX. Payment of Bills.

Mr. Adams advised the Board that all consultant bills incurred by the Lains be paid before the agreement is executed.

On the motion of Mr. Foster, seconded by Mr. Barber, the Board of Supervisors unanimously approved the bills as presented.

X. Adjournment.

On the motion of Mr. Foster, seconded by Mr. Barber, the meeting was unanimously adjourned at 8: 55Pm.

Respectfully Submitted,
Robert Layman, Township Manager