

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown
April 7, 2008 7:30PM

In attendance were Supervisors Chair Thomas A. Foster, Vice Chair Carol R. De Wolf, and Police Commissioner Charles P. Barber; Township Manager Robert Layman; Township Solicitor Robert A. Adams; Township Building Inspector John Wilson; Township Roadmaster Mark Gross. There were fourteen guests in attendance.

I. Call to Order.

As there was a quorum present Chairman Foster called the meeting to order at 7:31PM and led those present in the Pledge of Allegiance.

II. Approval of Minutes (March 17, 2008 Regular Meeting).

Mr. Barber made a motion, seconded by Mr. Foster, (Ms De Wolf abstaining as she was not in attendance at the meeting) to approve the minutes of the March 17, 2008 regular meeting Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors approved the minutes as presented.

III. Departmental Reports.

A. Township Building Inspector – John Wilson.

Mr. Wilson reviewed the March Building report. He stated that two more permits have been submitted for Arborview. Mr. Layman stated that he is working with Mr. Wilson on revisions of the Township's permit fees.

B. Township Roadmaster – Mark Gross.

Mr. Gross reviewed the March Road Report. He stated that the Department concentrated on pot hole patching and street sign replacement last month. Mr. Gross said as there were problems with sink holes in the concrete storm lines in Pleasant Grove the line was TV.d. It was discovered that the lift holes in the pipe were rotated 180 degrees in the flow channel of the pipe and not capped or sealed off. He stated that the Department will try and correct the problem by grouting the line. If this does not work the line will have to be dug up and rotated which is an expensive. Mr. Gross stated that the Oakbourne Mansion will be connected to public sewer as soon as a decision is made as to what size pump will be used.

C. Township Solicitor – Robert F. Adams.

1. Conditional Use Hearing Presby Homes & Crebilly Farms.

John Jaros, Solicitor for Presby Homes was in attendance. There was no one in attendance for Crebilly Farms.

Mr. Adams opened both hearings and stated that they will be continued to May 5th or May 6th. (Transcripts available at the Township office when completed).

The date of the hearings will be posted on the Township website www.westtownpa.org or contact the Township office for information on the hearings.

D. Township Planning Commission.

Mr. Layman reported on the March 17th Planning Commission Meeting. He stated that the Commission continued review of the Township Lighting Ordinance. The public comments made at the meeting were concerning lighting at Bayard Rustin High School. The Commission will continue review of the Lighting Ordinance at this week's meeting and review of Tract 2008-1 a

simple subdivision for the Bayard Rustin Pump Station. Mr. Layman also stated that the West Chester Regional Planning Commission is proposing a study of affordable housing in Chester County. The Commission is reviewing the proposal and will make a recommendation to the Board of Supervisors concerning involvement in the study.

C. Parks Advisory Group.

Mr. Layman reported that Parks Advisory will be meeting this week. They are working on events for the year. A Mother's Day Tea will be held at Oakbourne Mansion on May 4th. Several movie nights are planned at the park and a battle of the bands is being considered for the fall.

IV. Public Comment Non Agenda Items.

Linda Graham, 1002 Dunning Drive, asked what was the status of placing "no parking" signs on Dunning Drive. Mr. Foster stated that this is a legal issue and the Township cannot place the signs if they don't own the road or the right-of-way. He stated the School District has not done what is needed for dedication of the Shiloh Road and the Roadmaster has found additional issues that need to be addressed. Mrs. Graham asked if the new portion of Dunning Drive could be dedicated so that the resident's issues could be resolved. Ms. De Wolf said the School District has indicated that they would give us permission to put up the signs but we cannot enforce it if we don't own the road. Mr. Gross stated that there is some deterioration of Shiloh Road in the center of the lanes where there is cracking and base failure. He stated that the Township cannot accept any part of Shiloh Road at this time. Mrs. Graham asked if the new issues with Shiloh Road are going to drag on for several more years could the Township please explore having Dunning Drive dedicated. Mr. Layman stated that the Township is requiring the School District to put up an eighteen month maintenance bond but ideally we don't want failures when we accept the road. He stated that he would address with the Township Solicitor only taking the dedication of Dunning Drive. He stated that as Dunning Drive has less traffic there have not been any signs of deterioration at this time. Ms. De Wolf stated that the School District could arrange for its own security and monitor the parking on the street when they have events. Mr. Barber suggested getting permission from the School District to put up the signs even though we can't enforce it. Mr. Layman, if the Board is agreeable will contact the School District...

George Frey, 1521 Pennsbury Drive, said the community of PennWood Park does not have sidewalks and that the concrete swales for drainage have not been addressed for thirty years and they are deteriorating. He stated that he had emailed Mr. Gross about this and was informed that the Township is not responsible for the swales. Mr. Frey asked how the Township cannot be responsible since they were dedicated to the Township thirty years ago. Mr. Foster stated that it is the Township's position that they are not responsible for rolled curbing. Ms. De Wolf asked if these are swales without curbing. Mr. Frey responded that they are and the runoff flows to the stormwater system. Mr. Gross explained that the Township uses the terminology "rolled curb" for anything that is dished and is two inches higher than the road side. Mr. Frey said this is something the Township should address and that Willistown and Concordville repair curbs and have an ongoing repair program. Mr. Foster stated that the Board has concluded it is the responsibility of the homeowner. Ms. De Wolf asked when the Board had made this decision. Mr. Foster responded that this decision was made two years ago. Mr. Frey said he has addressed this with a lawyer who advised him the Township cannot un-dedicate something they took responsibility for in the past. Mr. Layman will review this issue.

Russ Hatton, 940 Kilduff Circle, asked who is responsible for the 15mph school speed sign on Shiloh Road. Mr. Layman stated that the School District is. Mr. Gross said the maintenance will always be the School Districts and they will also have the responsibility for the school flashing light at Dunning Drive. Mr. Hatton stated that speeding on Shiloh Road is a problem and for the past six months the south bound flashing light has not been working. He also stated that a Police Officer on patrol cannot see that the light is not working. Mr. Gross said this should be reported to the School District and if possible a light installed so that an Officer could tell if both lights are working. Mr. Layman will address this. Mr. Hatton commented that the School District is difficult to work with and think that they own the Township. Mr. Hatton asked that when the Lighting Ordinance is before the Board that they think long and hard to giving into anything that the School Districts wants.

Leonard Mammucari, 523 W. Pleasant Grove Road, expressed his concerns with the traffic on West Pleasant Grove Road which he has previously brought to the attention of the Board. He stated that this is

a major cut off from Route 202 to S. New Street which is used by commercial vehicles. For three years he has asked for police presence but they have only been there twice in nine months. He stated that stop signs or speed humps could be installed and short of anything else the speed limit could be reduced. Mr. Mammucari asked the status of the inspections of the on site sewer systems in the Township as he needs to have his pumped this year and so does his neighbor. Mr. Foster stated that the on site inspection does not having anything to do with pumping the tank. Mr. Mammucari said it is his understanding that the inspection is to determine the condition of the system and if something needs to be done. He also understood that a portion of this would be paid for but not necessarily the pumping. Ms. De Wolf said she is also waiting till the program is implemented as she needs to have her tank pump this year but does not want to pay twice as it is possible you might have to pump your tank at the time of the inspection. Ms. De Wolf asked what is the status of the program at this time. Mr. Layman responded that Clinton Cleaver at DEP had assured us that if the inspection program was conducted by the Township we would be eligible for 85% reimbursement. He stated as there has been a change in personnel at DEP he is trying to verify that this will still be the case. Mr. Layman said the Township has interviewed companies who would do the inspections and the cost is between \$250- \$300 per property. He stated if we are reimbursed by DEP the Township would only bill the residents for 15% of the cost. He also stated that the program has been designed and a final presentation will be made to the Board once we receive formal approval from DEP. Mr. Foster asked if pumping the tanks is part of the inspections. Mr. Layman responded that some pumping may be necessary to determine the condition of the tank but this does not preclude the residents from doing their annual pumping. Ms. De Wolf asked if pumping the tank at the time of the inspection is part of the program cost. Mr. Layman responded that this is his understanding. Mr. Mammucari asked when this work is done will the Township have a clear concise knowledge of each individual property and how many problems there are. Mr. Mammucari asked for the time frame for the program. Ms. De Wolf said they were hoping for early spring and are just waiting for confirmation of the reimbursement. Ms. De Wolf said the Board would be holding a public meeting to present the program. Mr. Mammucari asked that the Township minutes be sent to the Township email list so he can print them out for his elderly neighbors. Mr. Mammucari also asked why the Township is going to pay for the resurfacing of West Pleasant Grove Road when it is the heavy traffic and equipment for Arborview that has caused the deterioration of the road. He also asked for more police present on West Pleasant Grove Road.

Walter Pavelchek, 1050 S. New Street, stated that the traffic on West Pleasant Grove Road will increase even more with the Presby and Crebilly developments. Mr. Pavelchek asked if all on site systems in the Township will be inspected. Mr. Foster responded that they would be and the Township hopes to have this completed in six months. Ms. De Wolf said that four different inspectors would be hired to do the work.

V. Old Business.

A. Announcements.

Mr. Layman announced that West Chester University will be holding events for Earth Day and that the Chester Ridley Crum Creek Association is looking for volunteers to help with a cleanup of Chester Creek. He also stated that it was suggested in the Township Newsletter that residents could voluntarily clean up their roads or streets.

VI. New Business.

A. Approve Escrow Release McCawley Fountains at Westtown.

Mr. Foster stated that this escrow release, in the amount of \$15,950.74, is for the fountain that was required in the original plan for the senior apartments. The property has been sold to another party and the Township is no longer requiring the fountain. Mr. Foster asked if we are satisfied that Mr. McCawley does not have any other obligations. Mr. Layman stated that the Township Solicitor has stated that we have no choice but to release the escrow. He stated that there is \$38,000 in another escrow account. Mr. Foster would like the release to be approved on the condition that there is indemnification that the new owner has no claims on this release.

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the McCawley escrow release in the amount of \$15, 950.74 for the Fountains conditioned on indemnification of the release.

Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release as conditioned.

B. Accept Simple Lot Subdivision Tract 2008-1 Bayard Rustin Pump Station.

This item was tabled for further review.

VII. Public Comment (all topics)

Susan Keith, Pony Court, Brandywine at Thornbury, Chester County, stated that the development of Crebilly Farm was discussed at their last Homeowners Association meeting. Ms. Keith expressed her concerns with the additional traffic that this development will cause on Route 926 and Route 202. Mr. Foster stated that the Township has concerns about the traffic and that is part of the Conditional Use Hearings. He stated that the Township Traffic Consultant and PennDOT are addressing this issue. He stated we are attempting to improve this intersection and will be widening the lanes on Route 926. This will not solve all the problems but is the best we can do at this time. Ms. Keith asked if the entire Crebilly tract is going to be developed. Ms. De Wolf said the Township is holding hearings and listening to testimony which is being evaluated. She said we have options concerning the traffic but do not know what PennDOT will require but they have recommended looking at realigning the connector road with Bridlewood. Ms. Keith stated that Bridlewood is a speedway. Ms. De Wolf said as she lives in the area of Crebilly she also has concerns. Mr. Barber mentioned that there is a plan for Crebilly, that has been proposed as permitted by present zoning for 500 housing units. This could be revisited depending on the outcome of the Conditional Use Hearings.

Cheryl Whalen, Brandywine at Thornbury, said she did not know about Crebilly as she has just moved here. She is vehemently opposed to the connector road as Bridlewood is the school bus stop for the whole development. She asked for clarification of the 500 homes to be built. Ms. De Wolf stated at this time a CCRC is proposed for Crebilly. She stated that there are proposed changes to the zoning ordinance for the AC district which would include commercial, offices and a hotel. Ms. De Wolf said if the CCRC is not approved then anything that is permissible under the current zoning could be built. Ms. Whalen said she doesn't understand how the Township could consider an office park at 202 and 926 when there is so much traffic already. Mr. Layman said the State laws allow for development and they even have limits on lot size. Ms. De Wolf said there are measures to allow for open space and the Township can buy the land but Mr. Robinson prefers to develop his property. Ms. Whalen asked are you saying that the State does not allow restrictions. Mr. Layman stated he did not say that. Ms. DeWolf said the Township can have good conservation practices and can set aside the features that are important. The proposed zoning places the development on the Route 202 side of the property. Mr. Layman said you can restrict with your zoning and the Township has ways to save open space. Ms. Whalen said she does not understand this and asked about the traffic. Mr. Layman advised her that Routes 926 and 202 are State Roads over which the Township has no control. He stated that the Township is working with the developer on this and are waiting to hear what PennDOT wants. Mr. Foster stated that there was a plan for 500 homes which is held in abeyance. The plan is now a CCRC and in exchange for this type of development the landowner will leave approximately 175 acres of open space with only 13 homes on large lots. There would be 24 houses on 64 acres on the west side of S. New Street. The commercial, if there is any, would be on Route 202 with access to the connector road which would take traffic off Route 202. Ms. Whalen asked who pays for the changes to the infrastructure. Mr. Foster stated that they are working with the developer on this. Ms. Whalen asked who can attend the hearings. Ms. De Wolf stated that the meetings are open and the next one would be May 5th, of 6th. Ms. Whalen was advised she could be put on the Townships email list.

VIII. Payment of Bills.

Ms. De Wolf made a motion, seconded by Mr. Barber to approve payment of the bills. 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 unanimously adjourned at 8:50Pm.

Respectfully Submitted,

Robert Layman,
Township Manager