

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown  
June 1, 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; Township Building Inspector John Wilson; Township Road Master Mark Gross; Township Planning Commission Member Richard Pomerantz; Parks Advisory Group Chairman Leonard Tehrani; and Oakbourne Mansion Commission Chair Eva Foster. There were twenty guests in attendance.

**I. Call to Order.**

As there was a quorum present Chair De Wolf called the meeting to order at 7:33Pm and led those present in the Pledge of Allegiance.

**II. Approval of Minutes (May 18, 2009 Regular Meeting).**

Mr. Foster made a motion, seconded by Mr. Barber, to approve the minutes of the May 18, 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 Board of Supervisors discussed the following items at the workshop: The Lain Sanitary Sewer Agreement; Proposed revised fee schedule for Oakbourne Park, and Mansion; Finalization of letter to DEP pertaining to Act 537; and the Act 32, EIT collection training session which the Board had attended.

**1V. Departmental Reports.**

**A. Township Building Inspector – John Wilson.**

Mr. Wilson said in the past month he had re-surveyed the properties that had received a letter pertaining to non-compliance with recycling. Approximately half of those surveyed are now recycling. He also stated that letters have been sent to businesses in the Township that generate grease. The letter restates the Township regulations for grease disposal. Shang-hai Delight, in the Market Place Shopping Center, has received a fine of \$1,000 from District Court. The owner is appealing the citation. Mr. Wilson stated that because of complaints from Kolbe Lane residents, the Township had the overgrowth cut on Mr. Kravitz's property at 1125 Kolbe Lane. Mr. Layman said Mr. Kravitz also has outstanding bills for snow removal and using escrow funds to cover the bills will be addressed. Mr. Wilson stated that HP Builders was the only bidder for replacement of the Mansion gutters. The bid was in the amount of \$17,421.00.

**B. Township Roadmaster- Mark Gross.**

Mr. Gross reviewed the May Road Report. He stated that the Department has been working on repairing of stormwater inlets on Spring Line Drive and in the Avonlea development. The Department also removed a large ash tree that fell from Oakbourne Park onto a property in Pleasant Grove causing damage to the fence and backyard of the property. Mr. Gross stated that there were issues with parking in the Wild Goose Farms Development because parking signs had been removed. The areas for parking have now been delineated and the signs installed. The Department has been doing general cleanup in Oakbourne Park preparing for the upcoming "Cars of England" show. Mr. Gross stated that the salt trucks have been inspected and the 1993 truck needs substantial repairs. He also stated that the Township Engineer is preparing the road reconstruction bid for advertising by the end of the month.

**C. Township Planning Commission – Richard Pomerantz.**

Mr. Pomerantz reported on the May 20th Planning Commission Meeting. The Commission reviewed the Tordone two lot subdivision for 1015 Shiloh Road. The Planning Commission is recommending approval of the plan with conditions. The Commission also reviewed an application for a zoning variance for a single family home to be constructed on the lot at 1638 E. Street Road. There were questions concerning the building set back and riparian buffer as there is a stream on the property. The Planning Commission is recommending, to the Zoning Hearing Board, that encroachment into the stream be allowed as the applicant is maintaining the set back from the road right of way. They are also recommending that the existing landscaping in the riparian buffer not be removed. Ms. De Wolf said she was not familiar with the property and asked for an exact location. Mr. Lady, owner of the property, was in attendance and responded to her question. Mr. Layman advised the Board that the issue is if the riparian buffer is required. Rob Lambert, Engineer for the applicant, reviewed this issue with the Board. Ms. De Wolf asked for the classification of the stream. Mr. Lambert stated he is not sure of the classification as it is a small tributary that only flows during a high rainy season and dries up in the summer. Mr. Layman advised the Board that the Zoning Hearing will be held on June 16<sup>th</sup> and the Board will receive information before the hearing.

**D. Parks Advisory Group – Leonard Tehrani.**

Mr. Tehrani stated that Parks Advisory conducted a poll through the Township's email list to pick the movie that will be shown on June 26<sup>th</sup>. The movie which received the most votes was Bolt. Parks Advisory will have flyers for the movie and install the banner advertising the movie at Oakbourne Park. Mr. Tehrani stated that a Township Trail was discussed with mixed responses. There are residents who are interested in a trail but others that have concerns. Mr. Tehrani suggested creation of a subcommittee for trails and asked if the Board would be in favor of this. Ms. De Wolf said the Board could discuss this at a workshop. Mr. Tehrani said he has done research on having a Township TV station and this was discussed at the meeting. Ms. De Wolf said she does not see the connection between a TV station and their role as a Parks Group as this is where their concentration should be. Mr. Foster said he agreed with Ms. De Wolf and reiterated that Parks Advisory's role is to plan low or no cost events for children and families. Mr. Tehrani said a TV station could lend itself to recreation. Ms. De Wolf said Mr. Tehrani could personally explore this if he wished to but this was researched by the Board several years ago and it would be quite costly.

**E. Oakbourne Mansion Commission – Eva Foster.**

Mrs. Foster said it has been a busy month getting ready for the "Cars of England" show this Saturday. She stated that there will be approximately 200 antique cars, a bag piper, 13 vendors, and food from Carlino's. She stated that she along with Mrs. Gifford and Mrs. Gray had visited businesses in West Chester and left information about renting Oakbourne for meetings and events. She also stated that the Commission has proposed a revised fee schedule for rental of the Mansion which they presented to the Board at their workshop. Mrs. Foster thanked Jon Pennington and John Wilson for their help at the Mansion.

**VI. Public Comment (None Agenda Items).**

John Edwards, 613 Bowers Drive, stated that the stormwater basin in Liberty Square is not draining and they now have a mosquito problem. Mr. Layman reminded Mr. Edwards that he was to provide the Township with a copy of the Homeowners Documents. Mr. Edwards stated that they do not have an official document at this time. Mr. Barber asked if he had received the homeowner's documents at settlement. Mr. Edwards responded that they had but that the declaration was not signed and their lawyer is investigating this. They do not want to provide any documentation to the Township unless it is official. He stated the problem now is the mosquito's as the children cannot play outside. Ms. De Wolf asked if this is a retention or detention basin. Mr. Layman responded that it was for erosion control and has not been converted back. Mr. Layman will contact the Chester County Health Department about the mosquito problem.

Sandy Mandes, 600 S. Chester Road, expressed her feelings concerning the amount of signs that are prohibited by Township ordinance on the following roads: Route 352, Route 3, Manley Road, and Green Lane. On Saturday the 23<sup>rd</sup> she did an inventory of the signs on these roads. There were 26 real estate signs (only two were for properties in Westtown), 11 signs for the Mattress Factory in Exton and various

other signs on utility poles. Ms. De Wolf stated she has noticed the amount of signs on major roads and that it appears the signs go up without the Township being contacted. Ms. Mandes asked if the Township could have a volunteer program like the State does for sign removal. Ms. De Wolf advised Ms. Mandes that the Township does remove signs and this is something that should be done by the Township not by volunteers. Mr. Wilson said he did do a sign cleanup two weeks ago and picked up 14 signs. Ms. De Wolf stated that she would meet with Ms. Mandes, and Mr. Wilson to review the sign issue. Mr. Layman will arrange the meeting.

Kevin Kelly, representing Henderson High School Cross Country Team, and Kids Cross Country, stated that Henderson has used Oakbourne for 11 years and the Kids Cross Country for 5 years. He stated they have always had a good relationship with the Township. When the new trails were proposed they wrote letters for the grant application. They make sure the grounds are clean after every meet. Mr. Kelly stated even if they have to pay a fee they are still interested in using the park. He said he understood that there was a question about food vendors at a meet last year. This was an ice cream vendor at a Kids Cross Country meet. There were no food vendors and the ice cream was free for the kids. Mr. Foster asked why Henderson has chosen Oakbourne as there are other parks closer to the school. Mr. Kelly said Oakbourne is a great facility for a cross country race as the teams like to run through the fields and woods. There is not another park as good in the area. Mr. Foster said there is a problem when the School District wants to use Township facilities but ban our residents from using their facilities. Mr. Kelly said he is not in administration and does not have an answer for this but stated that Henderson's track is used by the general public.

Ms. De Wolf stated that the Board had discussed the fees for park use at the workshop. The fees will be based on the number of people attending the event. Non profits with a 5013C will pay 75% of the cost. She asked for a motion to approve the fees. Mr. Barber made a motion, seconded by Ms. De Wolf with Mr. Foster voting against. Ms. De Wolf asked for public comment.

Eva Foster, 734 Westbourne Road, a resident of Westtown, asked Mr. Kelly how many children from Westtown are involved in the races. He stated they had a total of 992 children in the races last summer. and 194 of the children attended Westtown-Thornbury Elementary. They do not keep a list of the Township's where the children reside. Mrs. Foster asked how the clubs advertise their events. Mr. Kelly responded by emails, flyers and information at the running store in West Chester. Mrs. Foster asked Mr. Kelly if he would have a problem with her contacting Henderson to help out in Westtown. Ms. De Wolf said she would have a problem as it would be inappropriate and should be brought before the Board. Ms. De Wolf said she is going to end this discussion as there is a motion before the Board. Mrs. Foster said that she still has a right to free speech. Ms. De Wolf asked if she had a question concerning the fees as that is the motion before the Board. Mrs. Foster asked if the fees would be a onetime charge or for each event. Ms. De Wolf said for each event. Mr. Layman stated the Board had agreed that these are temporary rates till the end of the season. The end date would be November 1<sup>st</sup>, 2009...

Meg Burgess, Brandywine Rugby Club asked if the discussion being held was pertaining to the use of the athletic fields. They have been using the upper soccer field on Tuesday and Thursday from June to October but were told they would be charged \$1,000 this year. Ms. De Wolf stated that the fees being approved are for the running clubs. Mr. Foster stated that there has been a lack of consistency in the fees for park usage which the Board is trying to address.

Mr. Tehrani asked that the Board table the motion as there is an inconsistency in the fees. He used an example of people who want to give tennis lessons and questioned how they should be charged. He stated that he feels the motion is premature.

Mrs. De Wolf asked for approval of the motion. The motion was passed on two ayes and one nay.

Ms. Burgess stated that they were charged \$100.00 last year. As they had not planned on the fee being \$1,000 for this year they did not budget for this increase. She asked the Board if they would reduce the fee to \$500.00. The club only uses the field for practice. They always clean up and restore the field to the way it was found. They are the only team in the immediate area. ? she could not say how many players are from Westtown but in the summer they have a number of high school and college students from the area who play with them. Ms. De Wolf said she would consider reducing the fee. Mr. Barber felt the fee should not be changed. Mr. Foster also did not see any reason to change the fee which would only add to the inconsistency.

**VII. Old Business**

**A. Chester Ridley Crum Creek Watershed Association (CRCC) Rain Garden Workshop.**

Ms. De Wolf announced that CRCC and Nether Providence Township are holding the following workshops: June 3<sup>rd</sup>, Installing a Rain Garden on Your Property; and June 7<sup>th</sup>, Rain Garden Planting. Please call the Township if you need more information.

**VIII. New Business.**

**A. Approve Advertising Ordinance 2009-3 False Alarms.**

Ms. De Wolf stated that representatives from East Goshen had recently met with the Goshen Fire Company who asked that the Townships adopt an ordinance to control the cost of false alarms. She stated that Westtown does have an ordinance but it needs to be more enforceable.

Mr. Foster made a motion, seconded by Mr. Barber to approve advertising of Ordinance 2009-3 False Alarms. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved advertising of the ordinance.

**B. Award Oakbourne Mansion Gutter Replacement Bid to HP Builders in The Amount of \$17,421.00.**

Ms. De Wolf stated that the only bid received was from HP Builders in the amount of \$17,421.00. They are a responsible bidder and have previously worked on the Mansion.

Mr. Foster made a motion, seconded by Mr. Barber, to award the Oakbourne Mansion Gutter Replacement Bid to HP Builders in the amount of \$17,421.00. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the bid award.

**C. Grant Preliminary/Final Land Development Approval Tract 2008-10 Tordone 1015 Shiloh Road.**

In attendance were Fred Tordone, applicant, and Stephen Sauselein, project engineer.

Mr. Sauselein stated that any concerns of the Planning Commission were addressed at the last meeting. He also stated that the Planning Commission has recommended approval of the plan conditioned on the Township Engineer's letter of May 20, 2009 and URS's review. Mr. Sauselein said that he did receive an email today from URS concerning their plan review and will address their concerns. Mr. Layman asked if they are agreeable to designating a replacement lot area in case of failure of an on lot septic system. Mr. Sauselein responded yes but stated they meet all the requirements of the Chester County Health Department and do not have the soil conditions or lot area that would warrant providing for a replacement system. He also stated that the Township has installed a sewer line on Shiloh Road in anticipation of future connections. They will put a note on the plan that the lot owners will be required to connect to public sewer if and when available. Mr. Foster asked that the note on the plan reflect only that the Township may desire a connection.

Mr. Barber made a motion, seconded by Mr. Foster, to grant preliminary/final land development plan approval for Tract 2008-10 Tordone, 1015 Shiloh Road conditioned on the Planning Commissions Letter of 5/28/09 and the stipulation on the plan for connection to public sewer when available if required by the Board of Supervisors. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved Tract 2008-10.

**VIII. Public Comment (all topics)**

Richard Pomerantz, 1005 Robin Drive, asked how the Board is planning to create a plan for the inconsistency in the fees and use of Oakbourne Park by various groups. Ms. De Wolf said the Oakbourne Mansion Commission attended the workshop and presented their suggested plans and fees for use of the Mansion and Park. She stated there are also issues pertaining to the pavilion and the

leagues. Mr. Foster said the basic question is if the park is to be used as an asset for the Township or a burden to the taxpayers. Ms. De Wolf, speaking for herself, said the park is open space for our residents and others to use. Ms. De Wolf stated when used by non residents we have to look at each request separately. However it is our park and our residents own this facility. The question is what is fair to charge to help maintain the park. We have passed temporary fees which seems the best thing to do at this time. Mr. Pomerantz asked how other groups are charged. Mr. Barber stated that both leagues are charged \$1,000 and have exclusive use of the fields. The Board is discussing bidding out the field use. Mr. Pomerantz said he was not familiar with the running clubs but is aware that Westtown School does allow running clubs to use their facilities. Mr. Pomerantz asked, as in business, there is a blue print or a plan for going forward. As the Mansion and the Park are assets that we can charge for is there a process for moving forward. Ms. De Wolf stated the Board has worked on a park policy in the past year and is now working on the fees but she is not sure that there should be a business plan for Oakbourne Park. The Mansion and the fields possibly but there needs to be flexibility about the open green space as it is our residents park and they have a right to use it..

Mrs. Foster addressed Mr. Pomerantz question about a plan for the park. She stated that the Oakbourne Mansion Commission took it upon themselves to do a plan, for the Mansion, the outside, the green space. the whole park because there is no plan, and there is no consistency. The Commission presented their plan to the Board at this evening's workshop. Mrs. Foster said the Board approved some of our suggestions and turned down others. She stated the Board is not paying attention to their numbers as they had suggested an hourly fee but they are going with a per head fee. An hourly fee is better because it is more consistent and fairer whether you are a runner or a rugby player. Mrs. Foster said the Board does not agree with us but the Commission will keep working on this. .

**IX. Payment of Bills.**

Mr. Foster made a motion, seconded by Mr. Barber to approve the bills as presented.

**X. Adjournment.**

On the motion of Mr. Foster, seconded by Mr. Barber, the Board of Supervisors the meeting was unanimously adjourned at 8:58Pm.

Respectfully Submitted,  
Robert Layman,  
Township Manager