

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown
April 5, 2010, 7:30PM

In attendance were Supervisors Chair Charles P. Barber; Vice Chair Carol R. De Wolf; and Police Commissioner Thomas A. Foster; Township Manager Robert Layman; Township Building Inspector John Wilson; Township Road Master Mark Gross; Township Planning Commission member Russell Hatton; Park and Recreation Chair Kristine Lisi; and Oakbourne Mansion Commission Chair Eva Foster. There were six guests in attendance.

I. Call to Order.

As there was a quorum present Chair Barber called the meeting to order at 7:34Pm and led those present in the pledge of allegiance to the flag.

II. Approval of Minutes (March 1st and March 15th, 2010 Regular Meeting).

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the minutes of the Board of Supervisors March 1st 2010, regular meeting. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

Mr. Barber made a motion, seconded by Mr. Foster, to approve the minutes of the Board of Supervisors March 15th, 2010 regular meeting. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as corrected (Section VII:D first paragraph include the following: Mr. Layman stated that ESLL had approached the Township concerning use of the lower soccer field).

III. Summary of Board of Supervisors Workshop 4/5/10.

Mr. Barber stated that Anthony Blosenski was in attendance at the workshop. The Board discussed collection of yard waste and possible extension of our contract with A. J. Blosenski. Mr. Barber stated there will be no changes in the yard waste collection at this time. The following items were also discussed: Cancellation of the Board's April 19th regular meeting and workshop to be held at the State Convention; Issues with the Pleasant Grove Pump Station and the Mansion Boiler; Letter from the Thompsons, 717 Oakbourne Road; Mr. Layman's Meeting with Dr. Scanlon, West Chester Area School Board; and issues with the Liberty Square development.

IV. Departmental Reports.

A. Township Building Inspector – John Wilson.

Mr. Wilson reviewed the March Building Report. He stated the problems with the boiler at the Mansion need to be addressed in the near future.

B. Township Roadmaster- Mark Gross.

Mr. Gross stated that the Department has been working on storm cleanup and pot hole patching. Preventive maintenance was done at the Pleasant Grove Pump Station and repairs made to the control panel at the Wild Goose Pump Station. The Department will be mulching the playgrounds at Oakbourne and Tyson Parks. Ms. De Wolf asked about the status of reimbursement for the winter storms. Mr. Layman responded that in order for the County to receive federal funds one of the snow storms had to be a record snow fall. He stated we should know by next month if the County qualified. Mr. Barber asked about the situation with the easement request from Aqua for installation of a water line in Oakbourne Park. Mr. Layman stated that Aqua does not want to replace the end walls on the bridge that they will need to cross. Mr. Gross said the pipe would be installed on Colony Lane and would cross a bridge where the one end wall is completely gone and the other is in serious condition. Mr. Barber asked if the Township could replace the end walls. Mr. Gross responded in the affirmative. Mr. Foster stated the Township should do the

work and include the cost in the compensation paid by Aqua for the easement. Mr. Baber also asked about the grease in our sewer system coming from the Westtown Village Shopping Center. Mr. Gross stated that the pipe in question does not belong to the Township but connects into our system. The owner of Westtown Village has corrected the problem. Mr. Gross stated that the grease was coming from the Pizza Peddler. Mr. Wilson stated that the Pizza Peddler has been remiss in their reporting and they have previously been sited. Mr. Gross asked that the restaurant be inspected to make sure all the grease is being collected.

C. Township Planning Commission.

Mr. Hatton stated that the Planning Commission discussed the Rossiter three lot sub division at their March 17th meeting. The Township Engineer has concerns with emergency vehicle access, driveway site distances, and feels an NPDES permit is needed for storm water management. Mr. Hatton stated that Mr. Pingar will discuss this with the Rossiter's Engineer. The Commission also discussed rezoning of the Township's Waste Water Treatment plant and all pump stations to T (Township). This would include the Bayard Rustin Pump station when dedicated.

D. Parks and Recreation Commission.

Mrs. Lisi stated that Parks and Recreation have been meeting on a regular basis. Planet 51, which received the most votes, will be shown at the June 25th movie night at Oakbourne Park.

E. Oakbourne Mansion Commission – Eva Foster.

Mrs. Foster stated that there has been increased interest in the Mansion. She reviewed the events that have already been scheduled. Mrs. Foster stated she needs an answer from the Board concerning renovations of the Mansion in 2011 as she already has a tentative wedding for next June. She stated she had been told that she would have an answer by the end of March. Mr. Foster stated that the Board will be discussing this. Mr. Barber advised Mrs. Foster not to schedule any events until the Board comes to a decision. He stated he has been reviewing the proposals from the architects and renovations will be expensive. Mrs. Foster suggested having a tent on the lawn from Memorial Day to Labor Day next year if renovations are being done to the Mansion. The tent could be used for income producing events. Ms. De Wolf asked about the parking capacity at the park. Mrs. Foster stated that there was a wedding last fall with 400 people and there was no problem as the field was used for overflow parking.

IV. Public Comment Non-Agenda Items.

Beth Carroll, 607 Bowers Drive, said that the last escrow release, by the Board of Supervisors, for Liberty Square, was conditioned on the builder completing the following outstanding items; stormwater basin work, paving, installation of a tot lot and removal of a large dirt pile. This work was to be completed by the end of March. Ms. Carroll asked what the Township's is going to do about this. Mr. Foster said as the builder is in violation of the current agreement the Township will investigate its legal options but would prefer to have the builder complete the work. Mr. Layman stated that he has already contacted the Township Solicitor about this issue. It would be more effective if Mr. Kilgarif received a letter from Mr. Adams giving a deadline for the work to be done and stated after that date the Township would exercise its option to take the money in escrow and complete the work. Mr. Layman also stated that there is sufficient money in the escrow account to complete the work.

Shelia Dragon, 611 Bowers Drive, stated that it is becoming very frustrating as there is animosity in the community towards the HOA Board because of this issue. She asked for a swift resolution to this problem.

Wayne Thompson, 717 Oakbourne Road, stated that he has two issues which he presented in a letter to the Board of Supervisors. Mr. Layman stated that the Board received the letter in their workshop. Mr. Thompson stated that the first issue is with a Township right-of-way which is their driveway and only access to Oakbourne Road. "They have paved the driveway and feel that it is really a private drive". Mr. Thompson stated that he would like a statement from the Board that this is a right-of-way for their exclusive use and not a public right-of-way. The second issue is that they have an approved plot plan for their house which shows a future road. This changes the set back of the house and does not permit them to build a garage which they were told could be done when the house was built.

Ms. De Wolf said she would like more clarification on these issues. Mrs. Thompson said when they first moved here the owner of the neighboring property did not want them there. She stated that this neighbor gave people permission to walk their dogs in the right-of-way and defecate in their yard. She also stated that they have had to call the police on several occasions concerning a man who is walking his dog and she feels is stalking them. He is even there at two o'clock in the morning. Mr. Barber asked who owns the right-of-way. Mr. Foster stated that this is a Township right-of-way for emergency access to Township open space. Mr. Gross stated that because of requests from the Thompsons the Road Department has cut down trees and done landscaping in the open space. After more discussion Mr. Foster stated that the Township needs to look at the ownership issue of the right-of-way and open space. Mrs. Thompson then stated that they had discussed building a garage with Mr. Wilson but were told by Mrs. Adler that they did not have the right setbacks to build the garage. She stated this was approved 15 years ago and they would have built the house in a different location if they had been told this before. Mr. Foster said that an as built of the original house will be needed in order to review the setbacks. Ms. De Wolf said it appears there is also a police issue involved and the Thompsons need to look at a different way of handling the situation. Mr. Foster said the Township will look at different alternatives for the right-of-way and open space issue.

V. Old Business

There was no old business

VI. New Business.

A. Adopt Ordinance 2010-2 Parking Fines.

Mr. Barber stated that East Goshen and Thornbury will be adopting this ordinance in order to have uniform parking fines in all Townships served by the Westtown-East Goshen Police Department.

Mr. Foster made a motion, seconded by Ms. De Wolf, to adopt Ordinance 2010-2 Parking Fines. The fines will be a \$35.00 parking fine and a \$70.00 fine for handicap parking. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

B. Adopt Resolution 2010-4 PennDOT On Line Reporting.

Mr. Barber stated that adoption of the resolution will allow the Township to file its Liquid Fuels reports on line and in a more timely fashion.

Mr. Foster made a motion, seconded by Ms. De Wolf, to adopt Resolution 2010-4 PennDOT on line reporting. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

C. Adopt Resolution 2010-5 Manley Road Dedication.

Mr. Barber stated the Resolution pertains to WaWa's dedication of a portion of Manley Road to the Township.

Mr. Foster made a motion, seconded by Mr. Barber, to adopt Resolution 2010-5 Manley Road Dedication. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

D. Award 2010 Lawn Mowing/Landscaping Bid to Main Line Turf.

Mr. Barber stated that the bid will be awarded to Main Line Turf for three years for a total amount of \$71,298. He stated all is in order for the bid to be awarded this evening. Mr. Barber asked Mr. Gross about an email he had received with concerns about Main Line Turf. Mr. Gross advised the Board that the complaint concerned a different contractor not Main Line Turf.

Mr. Foster made a motion, seconded by Ms. De Wolf, to award the 2010 Lawn Mowing/Landscaping Bid to Main Line Turf for three years in the amount of \$71,298.

E. Authorization to Advertise an Ordinance for Rezoning of Township Property.

Mr. Barber stated that the issue has been raised concerning changing the zoning from R1 to T (Township) on the Township Wastewater Treatment plant. He stated that the Township has been approached by T-Mobile to install a cell tower at the treatment plant. Mr. Barber said regardless of installing or not installing the cell tower it would be prudent to change the zoning. He also stated that this issue was referred to the Planning Commission and they have recommended changing the zoning. Mr. Foster asked if this would only be for the sewer plant. Mr. Layman stated that the Planning Commission memo recommended rezoning the sewer plant and all the pump stations to the Township zoning. Mr. Hatton stated that the Planning Commission had reviewed the pump station parcels and as stated recommends the rezoning. Mr. Layman stated as the Pleasant Grove pump station is on a large parcel the Board might not want to include that in the motion to advertise.

Mr. Foster made a motion to advertise the rezoning of the Westtown-Chester Creek Plant, and the following pump stations which are on separate parcels; Cobblefield, and Wild Goose, Ms. De Wolf did not second the motion as the areas to be rezoned have not been defined to her satisfaction. Mr. Foster withdrew his motion.

Mr. Barber made a motion, seconded by Mr. Foster, to advertise the rezoning of the Westtown-Chester Treatment Plant from R1 to T (Township). Ms. De Wolf opposed the motion as the area is not defined and she does not support the installation of a cell tower at this time. Mr. Barber asked for public comment. There was no comment. The Board of Supervisors approved the motion. Mr. Foster stated the rezoning of the pump stations will be readdressed.

F. Approve Inclusion of Additional Township Parcels in The Agriculture Security Area.

Mr. Barber stated that the following Township parcels will be included in the Agriculture Security Area: Township property on Route 926 East of 352 – Parcels 67-3-151.2, 67-3-151.3 and 67-5-12.1 Pleasant Grove Pump Station.

Mr. Foster made a motion, seconded by Ms. De Wolf, to include the following Township Parcels in the Agriculture Security Area: 67-3-151.2, 67-3-151.3, 67-3-151.4 and 67-5-12.1. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

G. Tax Collector Certification.

Mr. Barber stated this certification is for a Bond, as required by the Township, for Elaine L. Adler, Township Tax Collector.

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

H. Notice of Cancellation of the April 19th, 2010 Board of Supervisors Regular Meeting.

Mr. Barber announced that the Board's April 19th, 2010 meeting would be canceled as all members of the Board will be attending the Annual State Convention in Hershey. The Board is planning to hold an information workshop while at the convention with no official votes taken.

I. Announcement of the Chester-Ridley Crum Watershed's Earth Day Cleanup.

Mr. Layman stated that the annual earth day cleanup will be held on Saturday, April 17th, 2010. Please contact the Township (610-692-1930) for locations and times.

VII. Public Comment (all topics)

There was no public comment.

VIII. Payment of Bills.

On the motion of Mr. Foster, seconded by Ms. De Wolf, the bills were approved as presented.

IX Adjournment.

On the motion of Mr. Foster, seconded by Ms. De Wolf, the meeting was unanimously adjourned at 9:07Pm.

Respectfully Submitted,
Robert Layman, Township Manager