

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown
July 6, 2010, 7:30PM

In attendance were Supervisors Chair Charles P. Barber; and Police Commissioner Thomas A. Foster; Township Manager Robert Layman; Township Building Inspector John Wilson; and Township Roadmaster Mark Gross; Township Planning Commission Chair Jim Lees There were eight guests in attendance.

I. Call to Order.

As there was a quorum present Chair Barber called the meeting to order at 7:30Pm and led those present in the pledge of allegiance to the flag.

II. Approval of Minutes (June 21, 2010 Regular Meeting),

Mr. Foster made a motion, seconded by Mr. Barber, to approve the minutes of the Board of Supervisors June 21, 2010 regular meeting, Mr. Barber 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 7/6/10.

Mr. Barber stated the following issues were discussed at the workshop; The Lain public sewer connection; Liberty Square; Sleiman Hearing; Mold litigation; and the Conditional Use and Zoning Hearing for field lighting at the Bayard Rustin High School.

IV. Departmental Reports.

A. Township Building Inspector – John Wilson.

Mr. Wilson reviewed his June Building Department report. He stated construction of the new single family residence at 1638 E. Street Road will commence this week; the fifth new home to be constructed in the Township.

B. Township Roadmaster- Mark Gross.

Mr. Gross reviewed the June Road Department Report. He stated that there had been a shortage of paint for line painting but our contractor was able to start work on the pavement markings earlier in the month and the long line painting will begin tomorrow. The Department worked on cleanup from the recent storm. Mr. Gross stated that part of the cleanup was the tree that fell from Oakbourne Park onto the roof of the public works garage at Gaudenzia. A contractor will be hired for the tree work that cannot be done in house. Mr. Gross also stated that safety inspections were done on the playground equipment at Oakbourne Park and Tyson Park. The play areas were also weeded and re-mulched. Mr. Gross reported that power surges are affecting the traffic signals at Skiles Boulevard and at S. New Street. Our contractor feels this is a grounding issue and will be installing a grounding grid to see if this corrects the problem.

C. Township Planning Commission – Jim Lees.

Mr. Lees reported on the June 23rd meeting. He stated that he had not been in attendance at the meeting. Mr. Lees said the Commission has forwarding a Resolution to the Board for the seven year review of the Agriculture Security Area. He also stated that Mr. Pomerantz had commented on an incident at a school in Portland Oregon where construction work was being done. The Commission will present their concerns to the West Chester Area School District, pertaining to safety of the school students, when the work is being done at Penn Wood and Westtown-Thornbury. Mr. Lees stated that this week's meeting has been canceled but that the Commission will be reviewing the Rossiter plan at their July 21st meeting.

D. Parks and Recreation Commission – Kristine Lisi.

As Ms. Lisi was not in attendance Mr. Layman reported for Park and Recreation. He stated that the first movie night, which was held on Friday, June 25th, was well attended. There will be another movie night on Friday, July 16th. Christmas in July will be held at Tyson Park on Saturday, July 24th.

E. Oakbourne Mansion Commission.

Mr. Foster reported for the Oakbourne Mansion Commission. He stated that "Cars of England", held June 6th, was successful and that the car clubs have requested use of Oakbourne for next year. There was also a June wedding at Oakbourne two more are scheduled for the summer months.

IV. Public Comment Non-Agenda Items.

Beth Carroll, 607 Bowers Drive, and Chris Maus, property Manager for Liberty Square were in attendance.

Ms. Carroll asked for an update as it is her understanding that work is to commence by July 12th. Mr. Layman stated that he and the Township Solicitor met with Mr. Kilgarif and the following alternative was proposed: Mr. Kilgarif would give an estimate for the road work which would be reviewed by the Township Engineer and the Board of Supervisors. If the work is completed and approved by the Township Engineer payment would be made. An estimate of \$50,000 to \$60,000 was given for the basin and road work. Mr. Layman stated that the Board of Supervisors has not committed to the proposed alternative. Ms. Carroll expressed her concern that if the Board accepted the alternate that was proposed they would be approving release of escrow funds without a public hearing and that any funds released should be approved by the Board at a public meeting. Ms. Carroll then stated that there are dead trees in the development that were never planted correctly and are part of the landscaping that was approved. She also mentioned the sidewalks installed two years ago are collapsing. Mr. Barber stated that this should be discussed with the Township Engineer. Mr. Maus asked the Board if they would be agreeable to the HOA contracting a firm to complete the road work. Mr. Foster stated that this had previously been discussed. Ms. Carroll stated that at that time the HOA was not organized and did not have a lawyer or property manager. Mr. Foster stated that that having the HOA do the work would have to be discussed with the Township Solicitor. Mr. Barber stated that the Township has a "drop dead" date of July 12th. After that date the best way is for the Township to do the work. Mr. Layman stated that the Township would have to bid for the road work. Mr. Barber said that the contractor being considered by the HOA could certainly bid for the road work. Mr. Maus asked about a maintenance bond as Bowers Drive is not to be dedicated. Mr. Layman said a bond is usually only required for dedicated improvements. Mr. Maus asked about improvements that have already been completed. Mr. Barber advised that they should take legal action against Mr. Kilgarif as he has not followed through with promises made to the HOA. Mr. Foster asked, just to be clear on the matter, is the HOA not in favor of the proposed alternative? Ms. Carroll stated, for the record, they are not in favor of the proposal.

V. Old Business

There was no old business.

VI. New Business.

A. Appoint Members of the Agriculture Security Area Committee – 7 Year Renewal.

Mr. Foster made a motion, seconded by Mr. Barber, to reappoint the following members to the Agriculture Security Area Committee, Eva M. Foster, Joseph B. Stratton, J. Peter Flynn, and Thomas A. Foster and to appoint Marshal L. Jones III as the new member of the Committee. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the appointments.

B. Adopt Resolution 2010 – 10 Agriculture Security Area – 7 Year Renewal.

Mr. Foster stated that this is a State program to encourage agriculture in Townships. The program allows for property of 10 or more acres to be part of the security area. Properties in the security area are exempt from sections of certain ordinances; such as the noise ordinance. There

is also added protection from taking of property by eminent domain. Mr. Foster stated that 20% of the Township is in the security area.

Mr. Foster made a motion, seconded by Mr. Barber to adopt Resolution 2010-10 Agriculture Security Area. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

C. Adopt Resolution 2010-11 Workmen's Compensation.

Mr. Layman stated that the Township has been notified by the Pennsylvania State Association of Township Supervisors (PSATS) of several bills before the State Legislature. The first one concerns Workmen's Compensation which is now regulated by the State and working fine. The proposal is for additional regulations of Workmen's Compensation by the Federal Government. This would be burdensome on the municipalities. The resolution is opposing involvement of the Federal Government in Workmen's Compensation.

Mr. Foster made a motion, seconded by Mr. Barber, to Adopt Resolution 2010-11 opposing Workmen's Compensation under Federal control. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

D. Adopt Resolution 2010-12 Opposition to PennDOT Policy Changes.

Mr. Layman advised the Board that PennDOT wants local municipalities to be responsible for stormwater management, which PennDOT has designed and constructed, on State owned highways such as Route 202. As municipalities are already compelled to be responsible for traffic signals on State Highways this would be added liability and financial expensive to the communities.

Mr. Foster made a motion, seconded by Mr. Barber, to adopt Resolution 2010-12 Opposition to PennDOT Policy Changes. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion.

E. Accept Conditional Use Application Bayard Rustin High School – Field Lighting.

Gary Bevilacqua, 109 Macroom Avenue, and Kevin Campbell, Operations Manager WCASD, were in attendance.

Mr. Layman advised the Board of Supervisors that he had received an email from Ross Unruh, Solicitor for the WCASD, stating that the Conditional Use Application will actually become effective when a decision is issued by the Zoning Hearing Board. Mr. Layman advised the Board that they would not be accepting the Conditional Use Application this evening but just acknowledging that there is an application before the Zoning Hearing Board. The Zoning Hearing is tentatively scheduled for July 29th, 2010.

Mr. Foster stated that the Board is not taking action on the Conditional Use Application and acknowledges the action before the Zoning Hearing Board.

VII. Public Comment (all topics)

There was no public comment.

VIII. Payment of Bills.

On the motion of Mr. Foster, seconded by Mr. Barber the bills were approved as presented.

IX Adjournment.

The meeting was adjourned at 8:02Pm on the motion of Mr. Foster, seconded by Mr. Barber.

Respectfully Submitted,
Robert Layman, Township Manager.

