

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, January 6, 2014 at 7:30PM

In attendance were: Chair Carol DeWolf, Vice Chair Mike Di Domenico, Police Commissioner Thomas Haws, Township Manager Robert Layman, Roadmaster Mark Gross, Planning Commission member Elaine Adler. There were 30 guests present.

I. Call to Order

Chairman DeWolf called the regular meeting to order at 7:40pm.

II. Approval of Minutes (Board of Supervisors, December 16, 2013)

Ms. DeWolf asked for any comments on the December 16, 2014 minutes. Mr. Layman made a clarification to the annual On-Lot Sewage Management Fee under Old Business, Resolution 2013-15, stating that the fee is due in year one and each subsequent year. Ms. DeWolf also asked that her position on the fee be clarified.

Mr. Haws then made a motion to approve the minutes with changes, seconded by Ms. DeWolf.

Brian Walsh, 1529 Woodland Road, commented on the fee. Mr. Haws asked Mr. Walsh to hold his comment for Public Comment Non-Agenda Items, as comments at this time were to be related to approval of the minutes.

There was no other public comment and the motion to approve the minutes with changes, was approved.

III. Summary of Board of Supervisors Workshop – January 6, 2014

Ms. DeWolf summarized the Supervisor's workshop, which began at 5:30pm. There were 5 items on the agenda:

- URS proposal – Interceptor Line Capacity analysis
- Green Lane Village Homeowners Association Changes
- Wireless Facility Management
- Oakbourne Park All Purpose Field Contract
- Meeting room sound system upgrade

Ms. DeWolf stated that the all of the items have been moved to the regular agenda for further discussion tonight.

There were no questions or comments from the public regarding the workshop.

IV. Departmental Reports

A. Township Building Report – Bob Layman

Mr. Layman stated that December was a slow month for permits, with only 13 permits issued: 4 residential building permits, one zoning permit, and 8 residential certificates of occupancy.

There were no questions or comments on the building report.

B. Township Roadmaster – Mark Gross

Mr. Gross reported in that the heat at Oakbourne mansion has been operating well. The conversion from oil to natural gas should result in significant savings to the Township.

There were six snow and ice events in December. Mr. Gross attributed the successful response to those events to the employees and part time seasonal drivers.

Mr. Haws took a moment to acknowledge Mr. Gross for his performance during the snow storm on December 10. Police Chief Bernot sent a letter commending Mr. Gross for freeing a stuck tractor trailer on Route 202, thus clearing a major traffic jam.

There were no other questions or comments.

C. Township Planning Commission (PC) – Elaine Adler

Mrs. Adler reported that the Commission has not met since December 4 due to lack of an agenda. The PC will meet Wednesday to review the revised concept plan for the Monument Homes multi-family residential/commercial project off 202 behind Jacqueline Drive (Papenfus property), as well as two Zoning Hearing Board applications.

There were no questions or comments from the public.

D. Township Historical Commission (HC) – Bob Layman

Mr. Layman stated that the Commission did not meet in December due to the holidays. He mentioned they are continuing to work on the inventory of historical properties and have also spoken with Kevin Campbell at the WCASD about having some of the historic material put on display at Rustin to encourage students to explore Westtown's history. There were no questions or comments from the public.

V. Public Comment on Non-Agenda Items

Brian Walsh, 1529 Woodland Road, re-approached the podium to discuss the \$100 on-lot management (OLM) program fee. He stated that he thought \$160,000 per year was high. He suggested lowering the fee, and then raising it if actual costs end up being higher than projected.

Wil Yocum, 127 Hilltop Road, echoed Mr. Walsh's comment. Mr. Haws explained that the program costs include the development of infrastructure to maintain the on-lot information, the hiring of additional staff to manage the program, and fees associated with enforcement.

Richard Pomerantz, 1005 Robin Drive, stated that he supported the OLM program and the \$100 fee; however, he asked if that money would go into a dedicated account. Mr. Di Domenico stated that the public and on-lot sewer funds will be separate. Mr. Pomerantz added that he hopes that the Township will use the money collected wisely.

Walt Pavelchek, 1050 S. New Street, stated that the Township knows the West Wynn I area requires special attention and asked if the \$100 he pays would be used to deal with West Wynn. Mr. Haws responded that the fee goes to the OLM program, which covers the entire township.

Bill Roth, 119 E. Hilltop Road, stated that he felt there was a lack of communication among the members of the Board, and with the residents. He felt the fee was not well advertised. He also objected to the fact that a retiring Board member voted for the fee, and that the vote was not unanimous. He also complained about the tax increase, and the increase in trash fees. He thought there should be some relief for senior citizens.

Mr. Di Domenico responded by saying that he ran for Supervisor on a platform of transparency and pledged to make improvements in the Township's website, support the creation of citizen's advisory groups, and other communication improvements such as the acoustics in the meeting room.

Donna Tesla, 1514 Woodland Road, expressed concern over how the residents' money is being spent. She also said she felt that the Board and the Planning Commission were adversarial, and the Board was adversarial with residents. She stated that she supported the use of citizen advisory groups. In addition, she complained about URS, stating that she felt they were overpaid, and felt we should explore using other firms.

Mr. Haws stated that there was no animosity between the Board and the Planning Commission. He also disagreed that the Board took an adversarial position towards residents. With respect to RFP's for engineering services, Ms. DeWolf stated that we are bound by various regulatory requirements that impact the process.

Bobbie Pomerantz, 1005 Robin Drive, expressed frustration at the inaction displayed by the Board, and asked if there were any impediments that would prevent the Board from creating advisory groups. She said a number of residents are willing to work towards improving the Township.

Ms. DeWolf responded stating that she was not aware of any impediments, and supported the creation of advisory groups. Mr. Haws echoed support of resident involvement.

Don MacKenzie, 906 Little Shiloh Road, suggested that the inspection of on-lot systems could be done in house. Mr. Haws responded, stating that residents voiced their opposition to having the Township decide who inspects their systems, so the Board left that decision to the homeowner. Mr. Di Domenico elaborated on the options that residents have in choosing inspectors/pumpers.

Brian Walsh stated that residents who do not have a plan for their septic system can go to the Chester County Health Department (CCHD) to get a copy for a small fee. He also added that residents should bear in mind they are really only looking at the inspection fee as an additional cost, as they should be pumping their system regularly.

Walt Pavelchek stated that the information package said that residents can get a copy of their septic plan from the Township. Mr. Layman stated that is true in some cases, but not all.

Wil Yocum stated that he was told by CCHD that he doesn't need a plot plan if he knows where everything is located. Mr. Di Domenico concurred, stating that Mr. Yocum could draw his own plot plan as long as he and the inspector are in agreement. Both the owner and the inspector must sign off on the inspection form. Mr. Yocum asked if Hickman was on the list. Mr. Haws responded that he is not PSMA certified. Bill Roth stated that Hickman was in the process of getting PSMA certified. Mr. Di Domenico added that residents in Phase I have until Sept. 7 to submit their paperwork to the Township.

There were no other comments from the public.

VI. Old Business

A. WWTP – Phosphorus Reduction Contract Change Order

Mr. Haws made a motion to approve the change order for electrical work on the blower in the amount of \$2865 to Arrell & Snow Electrical Construction, seconded by Mr. Di Domenico. There was no public comment and the motion was approved.

VII. New Business

A. URS Proposal – Interceptor Line Capacity Analysis

Mr. Haws made a motion to approve the URS proposal for the interceptor line capacity analysis. He stated that this information was required by DEP under our Act 537 Plan to help the Township determine the viability of public sewer in the eastern part of the township. The flow data must be collected for a minimum of 4 months during the wet period of late winter/early spring.

Mr. Di Domenico stated that he would not second the motion because he felt the Township should seek an additional bid for the subcontracting of the metering.

Mr. Haws commented that the Board voted to reappoint URS as our sewer engineer earlier tonight. He said the Board relies on their third party engineers for advice and felt that the time it would take to get a second bid would result in losing the data capture period in 2014, pushing us back an entire year, and sending a message to DEP that Westtown is not honoring the approved plan. He added that last December the township incurred a 550 ft. break at the Pleasant Grove Pump Station, which according to the Roadmaster, Mark Gross, cost the Township \$120,000 to fix. Mr. Haws said the data collected would assist the Township in possibly preventing that kind of emergency repair by being proactive in addressing I&I work.

John Grube, 1054 Kerwood Road, asked if the Township would incur a penalty from DEP for a delay in doing the metering. Mr. Haws replied that the Township has until October, 2016 to provide the data but felt that a delay would send a negative message to the DEP.

Ms. DeWolf stated that she agreed with Mr. Di Domenico in seeking an additional bid. She did not think we would jeopardize our position with DEP by delaying collection of the data.

Kathy Di Domenico, 1530 Woodland Road, stated that according to the Special Study, the metering was supposed to be done between Nov. 2013 and March 2014. Nothing was done because we didn't know if DEP was going to accept the West Wynn I Special Study. She stated that the Act 537 Plan requires that the Township report annually to the DEP in June of each year of the plan. She thought it would be acceptable as long as the Township reports to the DEP that it is working towards collecting the necessary flow data.

Brian Walsh did not recall a vote on the appointment of URS as the sewer engineer during the reorganizational meeting. Mr. Haws stated that the appointments were lumped in one vote. Mr. Walsh asked if any other firms were considered. Mr. Haws responded in the negative. Mr. Walsh asked why no other firm was considered. Ms. DeWolf stated that the 2014 contract for sewer engineering services is still being reviewed and has not been signed. Mr. Walsh then stated that if the Township hasn't signed a contract yet, the Board might want to consider another firm. He stated that over the past two years, residents have expressed their dissatisfaction with URS and questioned why the Board is not considering any other firm.

Mr. Haws stated that we have been using URS for 12 years, they are familiar with the Township's system, and they have acted on direction of the Board. He asked his fellow members of the Board if seeking additional bids in this instance means the Board will be seeking additional bids on all future contracts recommended by other Township engineers or consultants.

Ms. Tesla stated that although she recognized that continuity has some value, she felt we should explore using another vendor.

Responding to Mr. Haws, Mr. Di Domenico stated that he would consider requiring additional bids on a case by case basis. In this instance, he felt soliciting another bid would be helpful in determining if the URS proposal was reasonable.

There were no other public comments.

B. Resolution 2014-4 Liquid Fuels Tax

Mr. Di Domenico asked if this included the money collected from the tax increase last year. Mr. Haws explained that these funds are from state Liquid Fuels tax. Mr. Di Domenico then made a motion to approve Resolution 2014-4, seconded by Mr. Haws. There was no public comment and the motion was approved.

C. Resolution 2014-5 Emergency Services

Mr. Di Domenico made a motion to approve Resolution 2013-5 for providing Emergency Protection services to the Township. The motion was seconded by Mr. Haws. There was no public comment and the motion was approved.

D. Announcements

Ms. DeWolf announced a Conditional Use Hearing on Monday, January 13 at 7pm for the Rustin Residential subdivision. She also announced a Conditional Use Hearing on Monday, January 27 at 5pm for the Bozzuto development at 926 and 202 (Crebilly). Both hearings will be at the Township building.

E. Wireless Facility Management

Mr. Haws explained that the installation of wireless communication facilities in the public right-of-way is becoming an issue across the state. Frequently, these facilities will be placed on existing poles or new poles are being erected for siting. Currently, the Township has no ordinance in place governing this. The Cohen Law Group has been dealing with this issue and has made a proposal for the governments of the West Chester Area Council of Governments to assist the seven municipalities in creating a model ordinance to deal with such facilities. The cost to each municipality is dependent on the number participating, with the high being \$6000 and the low being \$4800.

Mr. Di Domenico made a motion to accept the proposal from the Cohen Law Group, seconded by Mr. Haws. There was no public comment and the motion was approved.

F. Oakbourne Park All Purpose Field Contract

The contract with East Side Little League (ESLL) for use of the all purpose field at the corner of E. Pleasant Grove and S. Concord Road is expiring. Mr. Di Domenico made a motion to advertise to bid for use of the field, seconded by Mr. Haws. There was no public comment and the motion was approved.

G. Meeting Room Sound System Proposal

Mr. Di Domenico made a motion to accept the proposal from Price Stevenson Acoustic Research (PSAR) for improvements to the meeting room sound system. The motion was seconded by Ms. DeWolf.

Mr. Haws stated that in the interest of fiscal responsibility expressed earlier, the Board should consider additional bids if they are going to spend over \$10,000.

Walt Pavelchek asked the amount of the contract being considered. Mr. Di Domenico responded that the proposal is for \$10,600. Mr. Pavelchek said that was not stated in the motion.

Don MacKenzie, 906 Little Shiloh Road, thought it made sense to seek additional bids.

Brian Walsh stated that he was present when the equipment was tested and thought that the sound quality was improved.

Mr. Di Domenico revised his motion to accept the PSAR proposal not to exceed the amount allowed by 2nd class municipal code to remain below the bid threshold. The motion was seconded by Ms. DeWolf. There was no public comment and the motion was approved 2-1, with Mr. Haws dissenting.

VIII. Public Comments on All Topics

Walter Pavelchek commented on the communication problem. He stated that many people don't read the newsletter, meeting minutes, attend meetings, or sign up for the listserv emails.

JoAnne Grube agreed, stating that the staff fielded 38 phone calls today from residents asking about the OLM charge that appeared on their trash bill, which indicated they had not read the OLM packet that went out two weeks ago.

Mr. Haws stated that the Township spent nearly \$10,000 on printing and mailing the OLM package. This did not include Stan Corbett's time (URS) creating the package. Mr. Haws stated that some responsibility for the communication problem lies with the residents. The Board can only do so much.

Ms. DeWolf took a moment to recognize Rob Pingar for his engineering and consulting services both at McCormick Taylor, and now at URS.

Mr. Pingar, 1003 Russell Lane and project engineer for URS, acknowledged the long relationship he has had with the Township, and stated that he took the comments made earlier as an opportunity to improve the relationship.

There was no additional public comment.

IX. Payment of Bills

Mr. Di Domenico stated that in the interest of transparency, he thought the bill information should be provided to the residents. Mr. Haws agreed. Ms. Grube stated that the check register could be misleading to residents who don't understand that many payments to our engineers are reimbursed by developers. Mr. Haws suggested including the first sheet of the register with the agenda.

Mr. Di Domenico made a motion to approve the check registers for January 3, 2014 (\$48,391.04 for the general fund, \$2416.92 wastewater fund, and \$344,627.41 for the police budget). The motion was seconded by Mr. Haws. There was no public comment and the motion to approve the bills was approved.

X. Adjournment

Mr. Haws made a motion to adjourn the meeting at 10:15, seconded by Mr. Di Domenico. There was no public comment and the motion to adjourn was carried.

Respectfully Submitted,
Robert Layman, Township Manager