

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

In attendance were: Chair Carol De Wolf, Vice Chair Mike Di Domenico, Police Commissioner Tom Haws, Township Manager Rob Pingar, and Township Roadmaster Mark Gross. There were 16 guests present.

I. Call to Order

Chairman De Wolf led the Pledge of Allegiance and called the meeting to order at 7:40 PM.

II. Approval of Minutes (September 15, 2014)

Mr. Di Domenico made a motion to approve the September 15, 2014 minutes. Mr. Haws seconded the motion.

Mr. Haws noted that in the last meeting, there was considerable discussion on the best method to disseminate final minutes to the public. Although he did not request that the minutes be revised, he suggested that perhaps bullet points should be included if an item was discussed at length.

There was no public comment and the motion was approved.

III. Workshop Meeting Summary

Ms. De Wolf stated that the Board's workshop meeting began at 5:30 PM. The Board discussed the following items:

- 1.** Tyson Park Design/Build Proposal from Carter van Dyke Associates
- 2.** Ordinance for Credit Card Fees for Delinquent Account payments
- 3.** Minor Home Occupation Ordinance
- 4.** On-Lot Sewage Management Ordinance Amendment
- 5.** Barry Small Flow Treatment Facility O & M Agreement
- 6.** Fair Share Properties Conditional Use Application Amendment
- 7.** Jacqueline Drive Traffic Calming Study
- 8.** Website RFP
- 9.** Executive Session on personnel

Mr. Haws stated that item #1 was moved to the regular agenda as item C under Old Business. He also elaborated on the Website RFP status, stating that the website committee has provided a suggested list of vendors, and Mr. Pingar is finalizing the RFP.

There were no further comments or questions on the workshop.

IV. Departmental Reports

A. Public Works – Mark Gross

Mr. Gross stated that the road program took about three weeks, and commended the contractor, InnCon on their work.

Tree elevation was done along several roads to address complaints from a few trucking companies and Krapf school buses. Additional overgrowth in Pleasant Grove will be addressed this month.

The water heater at the gatehouse failed and was replaced. The crew did some grading work to correct stormwater issues on swales near the tennis courts. In addition, the crew worked on generator connections at all traffic signals for the backup generators.

Ms. DeWolf asked about the PennDOT notice regarding bridge reconstruction on 926 at Radley Run. Mr. Pingar stated that PennDOT was providing advance notice of a repair planned in 2015. No specific date for the repair was provided.

Mr. Haws asked who will be responsible for the traffic signal generators. Mr. Gross replied that WEGO Police will notify Public Works, and then they will have to respond to signal outages.

There were no other questions or comments.

B. Building Department – Rob Pingar

Mr. Pingar reported that in August & September, 28 residential and 6 commercial Certificates of Occupancy were issued, as well as 17 residential and 7 commercial building permits. One residential demolition permit was issued to remove a pool and one commercial fire permit. The Township also issued 3 plumbing permits, 5 sign permits, and 3 zoning permits for fences.

Ms. DeWolf asked about the permitting process for SMP issues. Mr. Pingar stated that Travis would be aware of any permits related to on-lot systems. Mr. Di Domenico then asked if notifications had gone out to residents in Phase I who have not completed their inspections. Mr. Pingar replied that they had and the first assessment hearing is scheduled for Thursday.

There were no other questions or comments on the building report.

C. Historical Commission – Dave Walter

Mr. Walter reported that today the HC submitted their comments on the Buzutto self-imposed conditions to Mr. Pingar. Mr. Pingar will run them by the Township Solicitor. Ms. De Wolf stated that the Board could see their responses immediately. Mr. Haws interjected, stating that he felt uncomfortable discussing the HC comments because the record for the hearing is closed except for the recommendation from the Planning Commission. He thought the Township solicitor should be consulted to ensure there is no violation of the Conditional Use proceedings.

Mr. Walter reported that he has heard from the CCPC on the Darlington Corner. They are considering having PennDOT and the PA Historical and Museum Commission revisit the denial of a National Historic District for Darlington's Corner. Dave will be meeting with Karen Marshall of the CCPC tomorrow to discuss what comments the WT HC will make on that.

The HC has identified 134 properties and structures on the listing. They continue to work on adding photos and clarifying addresses. Mr. Walter reported that the mileage marker in front of Oakbourne mansion is a WC Pike marker dating from 1854. The HC has also found an old stone spring house on S. New Street that appears on an 1860 map. The structure had been hidden by a stand of bamboo.

Mr. Walter announced that the Westtown School will be hosting an architectural history tour on Saturday, October 18 at 2:00 PM. Registration is required and is limited to 60 people.

Twenty-three people have registered so far. Information is on the Township website and notices have gone out on the listserv.

Mr. Walter also reported that he attended a meeting last week at Senator Barrar's office regarding the abandoned cemetery on Little Shiloh Road. The County solicitor and Township solicitor were present. They reviewed state law on gaining access to abandoned cemeteries and honoring those buried there. The solicitors will have to meet to decide what action the County and Township can take.

Mr. Di Domenico asked about a root cellar on Woodland Road. Dave replied that he took pictures of it.

There were no other questions.

D. Planning Commission – Elaine Adler

Mrs. Adler stated that the Planning Commission (PC) has recommended approval of two subdivisions on the agenda tonight: The Thomas minor subdivision and the Manieri lot line adjustment. The PC also met with the WCASD on the Rustin Development plan.

This week the meeting will be devoted to finalizing the PC recommendations on the Bozutto Conditional Use Hearing to the Board and a review of the amendments to the SUO district of the zoning ordinance.

Ms. De Wolf asked Mrs. Adler about the field space associated with the Conditional Use at Rustin. She stated that the Planning Commission draft minutes did not make it clear whether the Township would be responsible for the field space amenities or the WCASD. Mrs. Adler agreed that the minutes were unclear, and said the PC needs to discuss the open space and shared parking more specifically. Mr. Haws said it was clearly stated in the Conditional Use Decision that the WCASD is responsible for the field space amenities and then dedicating it to the Township. [see p.22 of Order, Condition #2: "...The parking lot and field shall be otherwise installed as per specifications determined by the Township at the land development phase."]

Ms. De Wolf asked about any waiver requests for the Manieri lot line adjustment. Mrs. Adler said there was none for Manieri, but there was a request to waive the open space dedication for the Thomas minor subdivision, which the Township often does with 2-3 lot subdivisions. The Township does not typically ask for dedication of open space (e.g. Tordone & Rossiter) for minor subdivisions. Ms. De Wolf asked about the waiver of escrow. Mrs. Adler replied that the subdivision is on a private road and no public improvements are required.

There was no further comment.

IV. Public Comment Non-Agenda Items

Tom Foster, 734 Westbourne Road, asked about the Citizens Sewer Committee and the Environmental Advisory Committee (EAC) that has been suggested in lieu of it. Ms. De Wolf responded that the formation of a committee has not been decided upon yet, because it is unclear what relevant tasks it would perform. Mr. Haws stated that the idea of the committee was brought to the Board, but they have not discussed it further. Mr. Foster thought a sewer committee with a focused mission makes sense, considering the Township has ongoing sewer problems.

Janice Oakey, 10 Jacqueline Drive, said she is looking forward to hearing the results of the traffic calming study, but now has concerns about the speed on 202 bypass and also coming out of WC Borough. She said that although the speed limit is 45 mph, but cars are go 55, and there is no

lane for acceleration. She asked the process for reducing the speed limit. Ms. De Wolf said the Township would want to consult their traffic engineer. Mr. Haws stated that 202 is a state road, so PennDOT would be the governing agency involved. Mr. Pingar elaborated saying that section of 202 is a controlled access highway, and speed is typically at least 45 mph. Enforcement is probably the best way to address the issue. Mr. Pingar said he will discuss it with Chief Bernot.

Mrs. Oakey asked when the traffic calming would be addressed. Ms. De Wolf replied that traffic calming devices will be part of the budgeting process, but could not provide a specific timeframe for implementation.

Chad Hull, 1188 Avonlea Circle, said the development is looking to replace the deteriorated signs and requested an amendment to the sign ordinance to allow two signs. Ms. De Wolf directed Mr. Hull to Mr. Pingar to follow up on the sign permit process.

Pat McDonough, 7 Oakbourne Road, stated that access onto 202 from Oakbourne Road is almost impossible, and there was a fatality on Stanton at 202 a few years ago. He asked if there is any plan to address this. Ms. De Wolf and Mr. Pingar replied that they were not aware of any plans to improve that section of 202, citing lack of funding. Mr. McDonough asked about the possibility of a pedestrian bridge over 202. Mr. Haws stated these are questions that should be directed to PennDOT. Mr. McDonough thought the Township and the WCASD should take an active role in approaching PennDOT about the issue. Ms. De Wolf stated that a bridge was suggested at West Pleasant Grove across 202 some time ago, but the problem is the lack of funding. Mr. Haws stated that the WCASD does not have a policy about students walking, and provides busing for all students, so that would not add to the argument for a bridge. Ms. De Wolf encouraged Mr. McDonough and other residents to rally on the issue.

There was no other public comment on non-agenda items.

V. Old Business

A. Lot Line Adjustment – Manieri, 1126 Kolbe Lane

The lot line adjustment has been reviewed by the Township PC and the Chester County PC. Mr. Di Domenico made a motion to approve the lot line adjustment at 1126 and 1128 Kolbe Lane. The motion was seconded by Mr. Haws. There was no public comment and the motion was approved.

B. Thomas Minor Subdivision – 1118 Chateau Drive

The PC unanimously recommended approval of the proposed subdivision and the open space waiver request. Mr. Thomas was present to answer any questions. Ms. De Wolf asked if they would be favorable to posting an escrow. Mr. Thomas stated there were no public improvements to be made, and questioned the need for an escrow. Mr. Pingar interjected stating the only element of the plan at issue is the rain garden, which has no oversight by either the Health Department or the Building Inspector. He suggested a minimum \$1000 escrow to cover the Township inspection of the rain garden. Mr. Thomas said that would be acceptable. Mr. Haws asked if \$1000 was enough, and also expressed concern over the lack of consistency with the Township ordinance. He said the Township should either amend the ordinance or stop waiving the open space requirement for a minor subdivision.

Ms. De Wolf asked Mr. Thomas if he would be amenable to a \$1500 escrow. He stated that he would. Mr. Di Domenico then made a motion to approve the Thomas two-lot subdivision and grant the requested waiver of the open space requirement and require a \$1500 escrow. Ms. De Wolf seconded the motion. There was no public comment and the motion was

approved 2-1, with Mr. Haws dissenting due to the lack of the open space or fee in lieu of open space, stating that he saw no evidence of hardship to justify the waiver.

C. **Tyson Park Design/Build Proposal**

The Township has received a proposal from Carter Van Dyke & Associates (CVDA) for a design and build project at Tyson Park, in association with Watershed Restoration and Protection Program Grant. The contract is not to exceed \$105,303. Mr. Pingar suggested a change to the invoice timeline from 15 to 30 days.

Mr. Di Domenico made a motion authorizing the Township Manager to sign the agreement, with a change to require invoices due within 30 days, rather than 15. Mr. Haws amended the motion, requesting written confirmation from DCED that the proposed change of scope will be accepted under the grant.

Mr. McDonough asked if the Township was contributing funds to the project. Ms. De Wolf responded that the Township expense was about \$11,000.

There was no further public comment and the motion was approved.

VI. **New Business**

A. **Parks & Recreation Commission Appointments**

Mr. Di Domenico made a motion to appoint Jennifer Masiko and Stuart Rich to the Parks & Recreation Commission for a term of 3 years. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

B. **Ordinance 2014-3 – Credit Card Fees on Delinquent Payments**

This ordinance requires all individuals or entities utilizing credit or debit cards for payment of delinquent municipal claims to pay the charges or fees associated with the transaction.

Mr. Di Domenico made a motion to authorize the advertisement of Ordinance 2014-3. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

C. **Ordinance 2014-4 – Minor Home Occupation (MHO) amendment**

The MHO amendment adds clarity to existing MHO standards, and consistency with the MPC. Mr. Di Domenico made a motion to authorize Act 247 review by the CCPC and refer to the Township PC for their recommendation. There was no public comment and the motion was approved.

D. **Ordinance 2014-5 – SMP amendment**

Enclosed is a copy of the SMP Ordinance amendment that would require pumping at the time of initial inspection if conditions exist which prevent a satisfactory inspection without pumping. Mr. Haws made a motion to authorize advertisement of the SMP ordinance amendment. Mr. Di Domenico seconded the motion. There was no public comment and the motion was approved.

E. **Lot Size Variance – Springer, 102 Oakbourne Road**

The Springers are seeking to subdivide a lot and are requesting a variance from the 22,000 sq. ft. minimum lot size requirement within the R-2 district. The configuration of their lot

renders it difficult to divide the 45,000 sq. ft. lot to meet that minimum. They propose a 30,000 sq. ft. lot and a 15,000 sq. ft. lot.

Mr. Haws explained to those present that the ZHB makes the decision on these variances. The Board can comment in favor or against the variance. Mr. Haws commented that he saw no real hardship to justify the variance. Ms. De Wolf felt there was not enough information to comment on the variance.

Pat McDonough commented that he felt there was no consistency in the approval of variances and minor subdivisions. He stated that it is the Board's duty to see that the Township's ordinances are enforced.

F. Fence Variance – Allen (Rusi property), 2 Oakbourne Road

The Allens are seeking height variances in order to put a 6 foot privacy fence around their property. Mr. Haws commented in favor of granting the variance based on noise, and safety hardships. Ms. De Wolf and Mr. Di Domenico also recognized the hardship on the 202 side, but wondered if the variance was necessary on the rest of the property.

Kathy Di Domenico, 1530 Woodland Road, wondered if the fence would cause a sight issue. Mr. McDonough seconded the concern over sight distance.

G. Barry Small Flow Treatment Facility Agreement

Mr. Pingar explained that Mr. Barry on Robin Drive is attempting to sell his house. The on-lot system has failed and he needs to replace it. Due to the poor soil composition and proximity to a creek, a small package plant is his only option. The Operation and Maintenance (O&M) agreement is to permit a proposed small flow treatment facility to discharge to an existing Westtown storm sewer pipe on the subject property.

Mr. Di Domenico made a motion to execute the Barry O&M agreement. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

H. Announcements

Ms. De Wolf made the following announcements:

1. Household Hazardous Waste Event – 9 AM – 3 PM, October 11 at the Government Services Center, 601 Westtown Road, West Chester
2. Westtown School Tour – Saturday, October 18 at 2:00PM.
3. Rt. 202 / Rt. 926 Improvements Project Public Meeting – 7 PM, October 23 at the Township Building
4. Flu Shots – 11 AM – 7 PM, October 23 at Handi-Crafters in Thorndale
5. Childhood Cancer Awareness Week – October 19 to 25

VI. Public Comment on All Topics

There was none.

VII. Payment of Bills

Mr. Di Domenico made a motion to approve the General Fund bills in the amount of \$223,533.33 and Wastewater Fund bills in the amount of \$6,153.05, for a grand total of \$229,686.38. Mr. Haws seconded the motion. There was no public comment and the motion to approve the bills was passed.

VIII. Adjournment

Mr. Di Domenico made a motion to adjourn the meeting. The meeting was adjourned at 9:25.

Respectfully Submitted,
Robert Pingar, P.E.
Township Manager