

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, June17, 2013 at 7:30PM

In attendance were: Chairman Thomas Haws, Vice Chair Carol DeWolf, Police Commissioner Charles Barber, Township Manager Robert Layman, WEGO Chief of Police, Brenda Bernot, Township Solicitor Bob Adams, Township Engineers Stan Corbett and Christie Pace, and Planning Commission members Dave Walter and Steve Rodia. There were 19 guests present.

I. Call to Order

Chairman Haws led those present in the Pledge of Allegiance and called the meeting to order at 7:30pm.

II. Approval of Minutes (Board of Supervisors, June 3, 2013)

Mr. Haws made a motion to accept the minutes, seconded by Ms. DeWolf. There was no public comment and the minutes were approved.

III. Summary of Board of Supervisors Workshop – June 17, 2013

Chairman Haws briefly summarized the supervisor's workshop, which began at 6:00pm, stating that he arrived at 6:30 due to a conflict. The first half hour was spent in an executive session during which time the Board received an update from the Township solicitor on litigation regarding mold remediation in the Township building.

Following that, the Board heard a presentation from Parks & Recreation on a proposed Health and Fitness Program. The Board will be voting on the program later this evening.

The Board also touched on the Rossiter subdivision field change request and radar speed signs. The speed sign will be added to tonight's agenda under New Business.

The Board considered Act 13 Funding and will be working with McCormick Taylor to identify potential projects to take advantage of this grant money.

The Board discussed two stormwater complaints - W. Pleasant Grove and West Lynn Drive.

Kathy DiDomenico, 1530 Woodland Road, asked about the Act 13 Funding. Carol DeWolf provided some details on the grants. The maximum grant is \$250,000, requires matching funds, and the money has to be spent this year. Due to the fact that the grant application is due July 30, the Board is looking at projects that require immediate attention such as MS4 (stormwater management) projects (e.g. Dunvegan Road culvert).

There were no other questions or comments regarding the workshop.

IV. Departmental Reports

A. WEGO Police Department – Chief Brenda Bernot

Chief Bernot stated that the primary request for service this month has been traffic complaints. The speed trailer was used for 18 days at 3 locations, Stanton Ave, Robin Drive, and Hunt Drive. Morning citations and warnings are up considerably, particularly in the 200 block of Jacqueline Drive.

Other incidents included a vehicle accident at 129 E Street Road, drug OD, plastic pellet gun at Rustin High, and a fire on Shiloh Road due to a lightning strike.

Commercial vehicle enforcement has resulted in \$120,000 in fines since inception of that program. Collection of those fines has amounted to about \$15,000, of which the Township receives 50% and the state receives the other 50%.

Budgeted PPU allocation for the month was 1976, and the Township received 2182 hours. They will continue to monitor PPU allocation.

Mr. Haws asked about recent break-ins that he had heard about on Diane Drive and Leslie Lane. Chief Bernot stated that their records management system was damaged during the storm earlier this month, limiting their ability to query events and monitor for crime patterns.

Walt Pavelchek, 1050 S. New Street, suggested lowering the speed limit on Jacqueline Drive to 20 mph to ensure the 25 mph limit is not exceeded at the bottom of the dip. The Chief assured him that they are only ticketing people whose speed is a danger to public safety. They have cited motorists going in excess of 50mph.

There were no other questions or comments from the public.

B. Township Solicitor – Bob Adams

Mr. Adams stated that he had no report. There were no questions or comments from the public.

C. Planning Commission – Dave Walter

The last two meetings have been cancelled due to lack of an agenda. They will be meeting Wednesday night, June 19 to discuss that On-Lot Management Ordinance. Mr. Walter asked the Board if it was a master ordinance. Stan Corbett stated that the ordinance was based on boilerplate language generally accepted by DEP for other townships in Chester County, but was tailored specifically to Westtown Township. Mr. Walter also asked the Board if there were any areas of the ordinance that the Board would like the Planning Commission to focus on, and the timeframe for their decision. Mr. Haws responded by saying that he hoped for a timely turnaround time by the Commission, given that the DEP response to the Township's 537 Plan stipulates that we have six months to enact our On-Lot Management Ordinance.

There were no questions or comments from the public.

D. Historical Commission – Dave Walter

Mr. Walter reported that the Commission has identified have 98 historic structures in Westtown. Approximately 50 properties have been previously researched and have some information on them at the Township Building. Their next step is to approach the owners of the remaining properties and ask their permission to include them in our database, take photos, and research their properties. The Commission is also working on a tour of the Westtown School in the fall.

Mr. Walters also reported that a historic marker recognizing a Civil War POW camp will be dedicated on at 1pm on Saturday, Sept. 7 at Oakbourne Rd. and Trellis Lane, with Civil War re-enactors, public officials, and Rustin marching band.

Kristine Lisi, Parks & Recreation Chair, asked about getting a marker for Oakbourne Mansion. Mr. Walter stated that the Commission could look into that for next year. Kristine mentioned that Rick Brown has collected a lot of information on the Mansion that might be of interest to the Historical Commission.

There were no questions or comments from the public.

E. Parks and Recreation Commission – Kristine Lisi

Ms. Lisi reported that the annual Cars of England car show was a huge success, and asked that the Board consider grandfathering their mansion rental pricing for next year. Mr. Haws requested that she put the proposal in writing for the Board to consider. She also mentioned the Health and Fitness Program, which the Board will be considering later this evening, and reported on upcoming events:

- Movie nights on June 28 (We Bought A Zoo), July 26 (Hotel Transylvania), and Sept. 6 (Here Comes the Boom).
- Mansion Open Houses on the last Sunday in June, July, August, and September.
- Fall Yard Sale on Saturday, September 21.

There was no public comment.

V. Public Comment on Non-Agenda Items

Mike DiDomenico, 1530 Woodland Road, brought up the topic of Smart Meters again, stating that he had recently been contacted by a third party representing PECO who was conducting a survey of customers who asked to be on the “do not install” list. He told them he asked to be on the list because PECO has failed to provide safety and health information related to smart meters.

There were no further comments from the public on non-agenda items.

VI. Old Business

A. DEP Response to Act 537 Plan

On Friday June 7, the Township received the DEP response to our Act 537 plan. Overall, the DEP has approved our on-lot management plan. Within three years all on lot systems must have permits and regular inspections. Data will have to be submitted annually. The Township has 120 days to submit a plan for the West Wynn 1 area (Diane Drive, Leslie Lane, Grant Road, and Charles Road), where the on lot management was denied due to small lots, systems that predate DEP regulations, poor soil composition and a high water table. The Township plans to consult their solicitor and engineers to formulate a plan for this area.

Bill Roth, 119 E. Hilltop Road, focused on the DEP’s decision to hone in on West Wynn I and force them to get sewer. He is concerned about setting a precedent by requiring the 60 homes in that area to go on public sewer when only 4 homes (8 lots) have failed systems.

Mike DiDomenico stated that it would be nice if the Township let the homeowners in the West Wynn area know that they have 30 days to file an appeal with the DEP. He also asked about forms to track the plan. Mr. Haws stated that the Board is still discussing the forms, tracking, and implementation of the plan.

Kathy DiDomenico offered alternatives for the West Wynn Area. Stan Corbett responded by stating that many of the available options to failing on-lot systems are not legal in Pennsylvania. It was his understanding that the four homeowners in West Wynn have already used a qualified consultant and contacted the Chester Co. Health Dept., and have been told they have no options other than public sewer.

Richard Clay, 1534 Johnny’s Way, suggested that the group of citizens and informed people that met with URS to get to this stage, be asked to reconvene to discuss the current response from DEP. Mr. Haws stated that the Board needs clarification from the DEP before they can move forward.

There were no other questions or comments from the public.

B. Delinquent Utility Bills

Mr. Haws stated that the Board has identified ten homes that they will be executing a Writ of Execution to enter into Sheriff's Sale. These residents have gone through the collection process, and have not responded to any communications offering payment plans. Mr. Barber stated that we still have over \$236,000 in delinquent accounts.

There were no questions or comments from the public.

VII. New Business

A. Parks & Recreation Requests

1. Health and Fitness Program

At their workshop, the Board heard a presentation by P&R Commissioner, Maria Klang, on Health and Fitness classes (Yoga, Pilates, and Zumba classes) to be offered at the Oakbourne Mansion.

Ms. DeWolf made a motion to approve the Health and Fitness Program as presented at the workshop, with conditions that the Township solicitor reviews the liability waiver and other forms, that background checks on instructors be conducted, and that the program is for adults only. Mr. Barber seconded the motion.

Richard Clay felt that the Board was making a motion with too many conditions, stating that all conditions should be addressed prior to approving the program. Our solicitor, Bob Adams stated that making conditional approval is an acceptable form of action for the Board to take.

There were no other questions from the public and the motion was approved.

2. Legislative Breakfast

The Township received a request from our future representative, Dan Truitt, to use the Mansion at no charge for a breakfast on Thursday, August 22 to meet with area residents to hear their concerns.

Ms. DeWolf made a motion to approve gratis use of the mansion for the legislative breakfast. Mr. Barber seconded the motion.

There were no questions and the motion was approved

B. Rossiter Subdivision Field Change Request - Landscaping

The developer, Ted Moser, submitted a request to revise the approved landscaping to remove 5 trees which are either dying or interfere with construction. Mr. Moser stated that 3 of the trees are "non-viable" and as such should be removed from the compensatory replacement calculation. Christie Pace, from McCormick Taylor, agreed that the trees should be removed, but deferred to the Board to decide if the 3 "non-viable" trees must be included in the replacement calculation.

After some discussion on the matter, Ms. DeWolf made a motion to require 5 compensatory plantings. Mr. Barber seconded the motion. There was no public comment and the motion was approved.

C. Announcement

Mr. Haws announced a county-wide Household Hazardous Waste and Computer Collection on Friday, June 21 from 9am to 3pm at the Coatesville 9th and 10th Grade Center parking lot, 1425 East Lincoln Highway, Coatesville (same entrance as CAT Brandywine – across from

the Dairy Queen). Residents may bring TV's, computers and peripherals, and hazardous materials.

D. Radar Speed Sign

The police department has requested that the Township purchase a radar speed sign. Ms. DeWolf made a motion to approve the purchase of a sign with solar panel and 3 cell battery backup at a cost of \$2269. Mr. Barber seconded the motion, adding that the sign is light-weight, and portable.

Walt Pavelcheck stated that he thought radar was illegal in PA. The Board stated that the sign would not be used for enforcement.

Gerry Nail, 1535 Marlboro Road, stated that there is equipment out there that collects data (frequency, time, etc.) and asked the Chief if there was value in adding this ability. Chief Bernot stated that she felt certain this model had the ability to capture speed data.

There were no other public comments and the motion to purchase the sign was approved.

VIII. Public Comments on All Topics

Richard Clay drew attention to the fact that Kathy DiDomenico filled out the Open Space survey multiple times, therefore proving that the survey was "rigged."

Walt Pavelchek repeated his comments from the last meeting, stating that their survey consultant has ways to detect multiple submissions. He added that the survey is only one of the tools used to guide the task force. They have also met with stakeholder groups including sports associations, residents, the school district, a group of 5th graders, and will be meeting next week with a group of AARP qualified residents to get their input.

Brendan McNamee, 1101 Kolbe Lane, asked whether the sinkhole on E. Pleasant Grove Road would be eligible for Act 13 Funding. Mr. Layman stated that it would, but the problem is timing. It needs to be repaired before Act 13 monies would be available. He also asked about access during repair. Christie Pace addressed this by stating that the Roadmaster is still investigating options (relining v. replacement), but the goal would be to keep one lane open on E. Pleasant Grove and Kolbe Lane. Mr. McNamee also inquired about tree replacement and driveway repairs. Ms. Pace stated that tree replacement would have to be evaluated, and Mr. Layman stated the Township would repair the portion of the driveway it has to dig up.

There were no other comments from the public.

IX. Payment of Bills

Ms. DeWolf and Mr. Barber stated they had reviewed the bills and had no questions. Ms. DeWolf made a motion to approve the bills for June 13 and 14, 2013. Mr. Haws seconded the motion. There were no public comments or questions, and the motion was approved.

X. Adjournment

Mr. Barber made a motion to adjourn the meeting, which was seconded by Mrs. DeWolf. The meeting was adjourned at 9:34pm.

Respectfully Submitted,
Robert Layman,
Township Manager