

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, October 21, 2013 at 7:30PM

In attendance were: Chairman Thomas Haws, Vice Chair Carol DeWolf, Commissioner Charles Barber, Township Manager Robert Layman, WEGO Chief of Police, Brenda Bernot, Township Solicitor Bob Adams, Parks & Recreation Commission member, Kristine Lisi, and Planning Commission member Russ Hatton. There were 15 guests present.

I. Call to Order

Chairman Haws led the Pledge of Allegiance and called the meeting to order at 7:46pm.

II. Approval of Minutes (October 7, 2013)

Mr. Haws made a motion to approve the October 7 meeting minutes. Ms. DeWolf seconded the motion. There was no public comment, and the minutes were approved.

III. Summary of Board of Supervisors Workshop – October 21, 2013

Chairman Haws briefly summarized the supervisor's workshop, which began at 5:30pm. There were 6 items on the agenda and the Board discussed one additional topic:

- Certificate of Occupancy requirements
- Stan Corbett reviewed the proposed On-Lot Management (OLM) inspection form and the public education program.
- Accessory structure inspection requirements for structures under 1000 square feet
- Bozutto development revised sketch plan for residential apartments
- McCormick Taylor Road Maintenance Program Proposal revision
- Bi-Directional Amplifiers Ordinance for emergency services
- A resolution to earmark monies for road improvements and capital reserve items

There were no questions or comments regarding the workshop.

IV. Departmental Reports

A. WEGO Police Department – Chief Brenda Bernot

Chief Bernot reported a busy month with two suicides, one attempted suicide, 3 incidents of credit card frauds, a road rage incident, and a jewelry theft by a home contractor. The Chief also mentioned again an increase in the number of incidents of theft by in home service providers (e.g. home healthcare, cleaning, home improvement). She advised residents to check references, secure valuables, and not leave contractors unattended while they are in your home.

The Chief also addressed the concerns raised at the last meeting surrounding Rustin Football games. Russ Hatton, 940 Kilduff Circle, commented that the Rustin football team is 8-0, and will likely have two playoff games. He expressed concern regarding the non local crowd those games will likely draw. The Chief commented that they will have police presence at the playoff games.

Chief Bernot also commented on the recent road closures due to flooding. She mentioned that several motorists were cited for driving through the closures. While acknowledging the inconvenience posed by the closures, she reported that the police performed 5 water rescues that day, and stated that public safety is their priority.

The Chief also gave an update on the speeding problems on Jacqueline Drive. She re-submitted a request for speed radar signs to deter speeding in that area. A similar request was approved in June, but the purchase was postponed while possible grants were investigated. Mr. Barber made a motion to approve purchase of a \$2900 radar speed sign with data collection capability, seconded by Mr. Haws.

Mr. Haws reported that Mainline Today magazine recognized Chief Bernot as one of the Main Line's 23 "Power Women 2013" and took a moment to commend the Chief.

The Chief also reported on the need for bi-directional amplifiers. Their portable radios do not work well in large buildings. She stated that Rustin High school is probably the worst structure in our Township in this regard. The County has asked each Township to approve an ordinance requiring signal amplifiers in new construction. Mr. Adams said that municipalities can adopt amendments to building code, but can't impose them on all existing structures. Mr. Adams said it could probably be required upon resale, and for new construction. Mr. Haws asked if Mr. Adams would review the draft ordinance.

Jerry Nail, 1535 Marlboro Road, asked if large residential buildings would be included under this proposed ordinance. Mr. Haws said they would.

There were no other questions or comments from the public.

B. Township Solicitor – Bob Adams

Mr. Adams summarized the mold litigation settlement, and asked formal acceptance of the settlement. Mr. Barber made a motion to approve the execution of release documents to effectuate the \$130,000 settlement.

Jerry Nail, 1535 Woodland Road, asked what the actual damages the township incurred were. Mr. Haws replied that damages totaled approximately \$158,000. Ms. DeWolf thanked George Zumbano for his work on this case.

There were no other comments and the motion to approve the settlement was passed.

C. Planning Commission – Russ Hatton

The Planning Commission met on October 9. The Commission made recommendation to the Board to adopt the UCC amendment relative to permits for Accessory structures.

The Commission also reviewed the final draft of the Act 167 Stormwater Ordinance mandated for adoption in January, 2014. The final step in the review process is to review existing ordinances that have been impacted by the Act 167 Ordinance.

Glen Bentley of CCPC was present at the meeting to get feedback on how the CCPC could improve their service.

The Commission also reviewed the Rustin Subdivision Conditional Use application. Mr. Haws suggested the November 18 Board meeting for the initial Conditional Use Hearing. The Board agreed to advertise the date.

Mr. Hatton reported that residents of Jacqueline Drive were present to express concern about the Monument Homes project, which they also expressed at the last Board meeting.

There were no other questions or comments from the public.

D. Parks and Recreation Commission – Kristine Lisi

Mrs. Lisi reported that the first session of Pilates and Yoga classes started earlier this month. The classes were advertised through the website, listserv, and the newsletter. The newsletter only came out one week before classes started, so they are hoping for greater enrollment in the next session. She also reported the Commission will decorate the Mansion on November 17. The Winter Festival is on Sunday, December 1.

Ms. DeWolf stated that the Community Garden Committee will be meeting at the Mansion this Saturday, October 26 at 9am and invited anyone interested to attend.

There was no public comment.

V. Public Comment on Non-Agenda Items

John Phillips, 102 Hidden Pond Way, was present representing the residents of Arborview. He asked if the Board had an opportunity to review their proposed change to the access road, requesting that it be used for emergency access only.

Mr. Adams stated that the original Condition Use Application stated a permanent access road, and that the cul-de-sac was only temporary until the connector road for the Fair Share project was completed. He stated that the change to the Conditional Use Application and Land Development plan would have to go through the Planning Commission and get Board approval as an amendment to the Land Development plan. He added that the traffic engineers recommended that the road be full access. Mr. Adams suggested the Township consult their traffic engineers before making any decision.

Matt Pusey, 131 Hidden Pond, understood the Board's desire to consult the traffic engineers, but stated that any increase in traffic through the neighborhood would be detrimental to residents.

Laura Scanlon, 1524 Pennsbury Drive, and George Frey, 1521 Pennsbury, both expressed thanks to the Board for repairing their road.

Kathy DiDomenico, 1530 Woodland Road, asked about contractors she has seen along Rt. 352. Mr. Haws stated that it is pipeline work being done by Sunoco.

Mr. Haws recommended that residents read the article that appeared in today's Daily Local about the opening on the Westtown Board. He urged residents to vote on Tuesday, November 5. Ms. DeWolf suggested that the winner of the election be invited to attend the upcoming CCATO convention on November 7.

There were no other public comments.

VI. Old Business

A. Rite Aid/PNC

The representatives for the development could not be present tonight.

B. Phosphorus Reduction Contract – application for payment (General & Electrical)

Ms. DeWolf made a motion to approve final payment of \$101,650 to Heisey Mechanical (general contractor) and \$17,750 to Arrell & Snow (electrical contractor). Mr. Barber seconded the motion.

There was no public comment and the motion was approved.

C. **Phosphorus Reduction Project – URS Contract Increase**

The Board received a letter from URS requesting an increase of \$2600 for work on the Phosphorus reduction project at the Wastewater Treatment Plant. Their original Not to Exceed Fee was \$32,400. This increase would bring their total fee for the project to \$35,000. Mr. Haws questioned the increase. Mr. Layman reported that according to URS, the increase is for inspection of unanticipated changes that were necessary as part of the project (e.g. backwash filter piping replacement, ventilation fan relocation, change in chemical feed piping from plastic to steel.)

After considerable discussion, Mr. Haws made a motion to table the increase pending further explanation and justification. Mr. Barber seconded the motion. There was no public comment and the motion was approved.

D. **2013 Road Paving Contract – Final Payment**

McCormick Taylor has recommended release of payment to Charlestown Paving in the amount of \$408, 219.96. Per the project contract, Performance and Labor & Materials Bonds are continued in effect for one year after final payment. The Maintenance Bond has been received, and will remain in effect for two years.

Ms. Grube, Township Finance Director, stated that the McCormick Taylor letter contained a discrepancy, but she received a revised letter just prior to this meeting. Mr. Layman explained that changes in quantity occur every year, based on field conditions. PennDOT allows for 20% variation. Ms. Pace stated that the Township Roadmaster and the engineers approve these changes on a daily or weekly basis, and that minor quantity changes are not normally done through a formal change order.

Mr. Haws made a motion to release final payment contingent upon review of the revised letter from McCormick Taylor documenting any overages. Mr. Barber seconded the motion. There was no public comment and the motion to release payment was approved.

E. **Bamboo Ordinance**

This ordinance was discussed in May and a draft was sent to Bob Adams for review. West Goshen recently adopted a similar ordinance to address bamboo that impairs the use and maintenance of Township roads. Mr. Haws raised the issue of enforcement. Mr. Adams stated that he thought there were adequate remedies in the ordinance, but it will require public education. He suggested posting information on our website.

Mr. Barber made a motion to approve advertising of the proposed Ordinance, seconded by Mr. Haws.

Walt Pavelchek, 1050 S. New Street, commented that all species of bamboo have root problems. Ms. DeWolf stressed the need for public education.

There was no additional public comment and the motion to advertise the bamboo ordinance was approved.

F. **Police Merger RFP**

The Police Merger Working Committee has developed an RFP for consultant services to study the feasibility of the merger. It is anticipated that the study could cost \$100,000, with the costs being divided between the two police departments. This would make the cost to Westtown \$25,000, with East Goshen paying the other \$25,000 of WEGO's portion.

Ms. DeWolf requested clarification on the wording of the submission requirement. Mr. Haws and Mr. Layman felt that the submission requirements were clear.

Mr. Haws made a motion to approve the RFP, with an addendum that the Township Managers could extend the time for completion of the study from 60 to 90 days if necessary. The motion was seconded by Ms DeWolf. There were no public comments, and the motion was approved.

VII. New Business

A. Pat Morrison Retirement Resolution

Ms. DeWolf made a motion to approve Resolution 2013-13 honoring Patricia Morrison, retiring secretary of the Chester County Association of Township Officials (CCATO), for her 26 years of service. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

B. Announcement - National Drug Takeback Event

Mr. Haws announced that residents can dispose of unwanted or expired medication at the National Drug Take Back Initiative on Saturday, October 26 from 10am to 2pm at the Westtown Giant, 1502 West Chester Pike.

VIII. Public Comments on All Topics

Mr. Barber asked Mr. Adams to provide an update on the status of Westtown School's sewer connection. Mr. Adams stated that the parties have discussed a Memorandum of Understanding concerning the easement across Westtown school property. He stated there was never a requirement for a Memorandum of Understanding, although it was recommended by URS. Mr. Barnard declined to do that, but he did write a letter dated September 23, 2013 to Mr. Layman which is he deemed sufficient to acknowledge the existence of an easement. The tapping fee has been paid. There's a question about the escrow for inspection. URS recommended a \$20,000 escrow. Tim Barnard sent an email stating he wanted to discuss this upon his return on November 7. He believes the number reflects excessive oversight by our engineer (URS).

Mr. Barber also asked about the outstanding bills. Mr. Adams stated that Mr. Barnard is working on a proposal for payment. Mr. Adams did not understand why the Township is holding their tapping fee check. Mr. Haws asked about the schedule for connection. Mr. Layman responded that it is up to the school to schedule the installation. Mr. Haws asked that we do what we can to expedite the connection.

Mr. Pavelchek suggested that the Board submit a petition to the WCASD to install the radio transmission amplifiers. He also recommended attending a school board meeting to publicly address the issue.

There were no other comments from the public.

IX. Payment of Bills

Mr. Barber and Ms. DeWolf stated they had reviewed the bills and had no questions. Ms. DeWolf made a motion to approve the bills for October 18, 2013. Mr. Barber seconded the motion. There were no public comments and the motion was approved.

X. Adjournment

Mr. Haws made a motion to adjourn the meeting, seconded by Mr. Barber. The meeting was adjourned at 9:51pm.

Respectfully Submitted,
Robert Layman,

Township Manager