

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, December 16, 2013 at 7:30PM

In attendance were: Chair Thomas Haws, Vice Chair Carol DeWolf, Township Manager Robert Layman, Police Chief Brenda Bernot, Township Solicitor Robert Adams, Planning Commission member Elaine Adler, Finance Director JoAnne Grube, Assistant Planning and Zoning Director Chris Patriarca, and Township Engineers Christie Pace and Kevin Matson (McCormick Taylor). There were 11 guests present.

I. Call to Order

Chairman Haws led the Pledge of Allegiance and called the meeting to order at 7:45pm.

II. Approval of Minutes (Board of Supervisors, December 2, 2013)

Ms. DeWolf made a motion to approve the minutes, seconded by Mr. Barber.

Mr. Pavelchek, 1050 S. New Street, asked that his comment about the supervisors talking among themselves be amended to state that he said that when members of the panel spoke to one another that they had a tendency to lower their volume, making it difficult for the audience to understand them. He suggested they try to always speak up for the public to hear.

Ms. DeWolf made the motion to approve the December 2 minutes with the correction, seconded by Mr. Haws. There was no additional public comment and the minutes were approved.

III. Summary of Board of Supervisors Workshop – December 16, 2013

Chairman Haws summarized the Supervisor's workshop, which began at 5:00pm. There were 6 items on the workshop agenda:

- Change in McCormick Taylor engineer due to Christie Pace's departure
- Act 167 Stormwater Ordinance which will be approved tonight
- Meeting Room Sound System proposal from PSAR
- URS Proposal for Sewer Capital Reserve Account
- Monument Homes Subdivision changes to their proposal
- Westtown School Settlement Agreement
- Chester County Outdoor Proposed Amendment to Settlement Agreement

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

IV. Departmental Reports

A. Westtown East Goshen Police Department – Chief Brenda Bernot

Chief Bernot reminded everyone that credit card fraud is prevalent at this time and cautioned residents to check their statements regularly. She also reminded residents that they can use the WEGO website or call to notify police of vacations. Officers will patrol houses that are unoccupied. The Chief offered emergency preparedness tips to bear in mind during cold weather.

Regarding criminal activity, Chief Bernot reported on a sexual assault at Stetson Middle School involving a janitor and another female employee. No students were involved.

Yvonne Smith, 1042 Powderhorn Drive, asked for the Chief's opinion on RFID cards. Chief Bernot stated that theft of information using RFID scanners is very high tech and relatively rare. More often, fraud occurs when a company is hacked. She recommended that residents be cautious about giving out their credit card information and only use reputable websites when shopping online.

There were no other questions or comments regarding the Chief's report.

B. Township Solicitor – Bob Adams

Mr. Adams reported on the settlement of an ongoing discussion related to the Westtown School's connection to public sewer. The township has been trying to wrap up some outstanding engineering and legal review fees relating to the connection and inspection of the sewage facilities on the school campus. The school has proposed to pay 20% of the amount of those bills, which is \$15,000. The school's position was that there was not significant legal authority to justify payment of the bills. Mr. Adams recommended that the Board authorize Mr. Layman or himself to communicate acceptance of that proposal to Mr. Barnard.

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

C. Township Planning Commission – Elaine Adler

Ms. Adler reported that the Planning Commission met on December 4 and discussed the Rusi two lot subdivision, which is before the Board for approval tonight. The PC recommended approval of the plan contingent upon the plan being revised to satisfy the township engineers. Those revisions have been received and accepted.

A considerable amount of time at the meeting was devoted to the Arborview connector road. A group of Hidden Pond residents has been present at several meetings requesting that the connector road be an emergency access only road, rather than a full access road as was originally planned. The PC is recommending that the road from the Hidden Pond cul-de-sac connecting to the proposed parallel road be converted to emergency access only contingent on the developer or HOA assuming responsibility for all costs associated with amending the Conditional Use and Subdivision plans previously approved.

The PC meeting for Wednesday, December 18 has been cancelled due to lack of an agenda. There were no questions or comments from the public.

D. Parks & Recreation Commission – Bob Layman

Mr. Layman reported that P&R hosted their annual Winter Festival on Sunday, December 1 at the Oakbourne mansion. He stopped by and said it was well attended. The December P&R meeting was cancelled. P&R will meet on Tuesday, January 14, 2014.

There were no questions or comments from the public.

V. Public Comment on Non-Agenda Items

Walter Pavelchek stated that the Open Space Task Force met on Thursday, December 12 to present their study. He asked about the next step in the process. Mr. Haws stated that the plan will be given to the Township Planning Commission, but the Board is waiting for the consultant to provide some additional information prior to submission.

Mr. Haws then took a few moments to recognize retiring supervisor, Charles Barber. Mr. Barber could not be present for this meeting due to a prior commitment. Mr. Haws expressed gratitude

for his contribution to our community over the past eight years. He commended Charlie for his passion and dedication to the Township, commenting that his wit and wisdom will be missed. Ms. DeWolf added her thanks to Charlie for his contribution to the Board and to the Police Commission.

There were no additional comments.

VI. Old Business

A. Ordinance 2013-5 Act 167 Stormwater Management

This ordinance was mandated by the state for adoption by January 2, 2014. Over the past several months it has been vetted by the both the Township and the County Planning Commissions. Ms. DeWolf made a motion to approve Ordinance 2013-6, seconded by Mr. Haws. Ms. DeWolf thanked the Chester County Water Resources Authority and the Chester County Planning Commission for their assistance to the municipalities in developing this ordinance.

There was no public comment and the motion was approved.

B. Resolution 2013-15 On-Lot Sewage Management Program Fee

Ms. DeWolf stated that she was not in favor of the resolution, but out of respect for the other members of the Board who support the resolution she made the motion to adopt Resolution 2013-15 establishing a \$100 annual fee for all properties with on-lot sewage systems to offset administrative costs related to the On-Lot Sewage Management Program. The motion was seconded by Mr. Haws.

Yvonne Smith re-approached the podium and questioned the fee. Mr. Haws acknowledged that the cost of the program is largely unknown, but the Board felt that \$100 per property was a reasonable starting point considering implementation and enforcement of the program. He stated that the fee may be adjusted, depending on the actual cost of the program. The initial inspections will be phased in over a three year period, but all residents with on-lot systems will be assessed the \$100 fee annually.

Walt Pavelchek stated that the 2014 budget indicates a new employee will be hired to help with this program. Mr. Haws confirmed this.

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

C. Resolution 2013-16 On-Lot Sewage Management Program Phasing Schedule

Mr. Haws made a motion to adopt Resolution 2013-16 outlining the schedule for implementing the On-Lot Sewage Management Program. The motion was seconded by Ms. DeWolf. The public education mailing will go out via bulk mail on December 23.

Mike DiDomenico, 1530 Woodland Road, asked if the Phase I dates will be extended since those residents will not receive the information packets until after the New Year. Mike stated that some residents in the first phase have also expressed concern over the inability to have a system inspected during cold weather months. Mr. Haws stated that the Township will work with residents if they require extra time, but expressed that he thought the September 7, 2014 deadline for the 447 homes in Phase I would be sufficient.

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

D. Agron Rusi Minor Subdivision

This two lot subdivision at Route 202 and Broadway has been reviewed by the township Planning Commission and the township engineers. Ms. DeWolf made a motion to approve the plan, contingent upon establishing an escrow agreement and a Stormwater Facilities Maintenance and Monitoring Agreement. In addition, the Board waived the sidewalk requirement (SALDO 149-916) as recommended by the Planning Commission. Mr. Haws seconded the motion.

There was no public comment and the motion was approved.

E. Act 13 Watershed Restoration & Protection Program Grant for Tyson Park

The Township has been awarded a \$96,703 grant under the Act 13 Watershed Restoration & Protection Program for the Constructed Wetlands project at Tyson Park. Ms. DeWolf made a motion to accept the grant, seconded by Mr. Haws. There was no public comment and the motion was approved.

F. Ordinance 2013-6 Visual Arts Center Zoning Amendment

The applicant was not present so the Board moved on to New Business.

VII. New Business

A. 2014 Township Budget

Mr. Haws summarized a few key points on the 2014 budget:

- The 2014 Budget is presented with **no** increase in tax millage.
- Real estate transfer taxes are predicted to increase 19%.
- EIT taxes are also projected to increase.
- Building & Code Enforcement budget is projected to increase by 251% due to outsourcing of plan reviews and inspection.
- No increase in trash fees is projected.
- There are significant increases in public safety expenses (Police 10%, Fire 53%).
- Hiring of one full time employee for the On-Lot Management Program.
- Capital replacement reserves have been added.

Ms. DeWolf made a motion to approve the 2014 proposed budget, seconded by Mr. Haws. There was no public comment and the motion was approved.

B. Resolution 2013-17 Fund Balance Policy

With the tax increase this past year, the Board felt it would be prudent to pass a resolution which would dedicate funds for certain activities. This resolution provides for the following minimum allocation of funds:

Road Program	10% of total budget
Capital Replacement	\$25,000 per year
Wastewater Plant Capital Reserve	12% of sewer budget

Ms. DeWolf made a motion to adopt Resolution 2013-17 establishing a Fund Balance Policy. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

C. 2014 Police Budget Adoption

Under the terms of the agreement between Westtown and East Goshen, the Police budget is to be approved by both Boards before the end of the year. The total proposed budget is \$6,670,931, an increase of \$357,494 over the 2013 approved budget. The major changes from 2013 are increases in the Health Insurance (\$86,721) and pension (\$284,605) costs. Westtown's obligation will increase \$154,877. Ms. DeWolf made a motion to approve the 2014 Police budget, seconded by Mr. Haws. There was no public comment and the motion was approved.

D. 2014 Fire Protection Contract Renewal

The Township contracts with the West Chester Fire Company for fire protection services. Under the 2014 – 2018, the Township's obligation will increase from \$78,231 to \$119,650 per year. The increase is due to the need to replace a number of emergency vehicles. Ms. DeWolf made a motion to approve the five year Fire Protection contract, seconded by Mr. Haws. There was no public comment and the motion was approved.

E. 2014 SPCA Contract Renewal

The Township contracts with the Chester County SPCA for animal control services. Under the full contract, the SPCA will enforce a number of laws in the Township including the PA Dog Law, Rabies Prevention and Control, and Township animal control. Over the years, we have recognized that the cost to the Township would be greater if we had to administer these.

Ms. DeWolf made a motion to approve the 2014 SPCA contract at a cost of \$2,098.50. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

F. 2014 Mingis, Gutowski & Company Letter of Understanding

Ms. DeWolf made a motion to accept the letter of understanding from Mingis, Gutowski & Co. confirming their services for auditing the township financial statements for the fiscal year ending December 30, 2013. The fee for this service will be \$13,100, which is a 2% increase over last year. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

G. Chester County Outdoor LLC Settlement – Proposed First Amendment

Greg Adelman, counsel for Chester County Outdoor, LLC was present to explain the amendment. He stated that the original settlement agreement had a provision dealing with illumination and light spillage. This first amendment is being offered to the Township for consideration to clarify that the sign was supposed to comply with existing ordinance requirements in the Township's outdoor lighting provisions with respect to intensity of illumination. The amendment is intended to clarify that by taking the maximum amount of foot candles permitted in the ordinance (.1 foot candles) and inserting that into the settlement agreement. The Township received a letter from our lighting engineer, indicating how the illumination will be measured. Mr. Adelman stated that he had no objection to that method.

Mr. Adelman suggested that property owners within 500 feet be notified before any type of action is taken on the proposed amendment. Subsequent to receiving and deliberating the public comment, and assuming both parties are in agreement, the amendment would have to be approved by the court.

Mr. Adams stated that the Board is willing to state their support of the amendment, and approve the public notice of the proposed amendment. Mr. Adelman stated that Chester County LLC would pay for the costs of the public notice. It was decided that the issue would be put on the agenda for the January 21st Board of Supervisors meeting.

Ms. DeWolf made a motion to approve the public notification of the proposed settlement agreement, seconded by Mr. Haws. There was no public comment and the motion was approved.

H. Ordinance 2013-6 Visual Arts Center (VAC) Zoning Amendment (OLD BUSINESS)

Mr. Bartkowski arrived, so Mr. Adams opened the public hearing of the Zoning amendment for the VAC Ordinance. Mr. Adams stated that the review letters from CCPC and the township Planning Commission recommend approval with three revisions:

1. Express maximum building height in feet as well as stories.
2. Require public sewer.
3. Prohibit Visual Communication Technology (VCT) sign display illumination between 11pm and 6am.

Mr. Adelman, on behalf of Catalyst Outdoor, addressed the revisions. Regarding the height, he reported that the PC initially objected to the height being expressed in feet because the design is evolving. He stated that the height can still be controlled by the Board during the Conditional Use Process and need not be specified in feet in the Zoning Amendment. Mr. Adams agreed. Mr. Comitta, representing the Township, stated that expressing the height in stories was acceptable.

Regarding the revision to the VCT illumination hours, Mr. Adelman stated he was willing to accept the change to prohibit illumination from 11pm and 6am.

Mr. Adams stated that there will likely be other technical amendments to the ordinance, but added that he felt comfortable in recommending that the Board to adopt the ordinance. He then opened the floor to public comment.

Mr. Comitta stated that additional concerns presented at the November 25, 2013 Planning Commission meeting were: lighting, view shed, sound, and traffic. He stated that these issues would be examined during the Conditional Use process but wanted them documented for the record. Mr. Adams added that the Board did not need to condition their adoption of the ordinance on addressing these issues.

Ms. DeWolf made a motion to adopt Ordinance 2013-6 VAC Zoning Amendment. The motion was seconded by Mr. Haws. There was no additional public comment and the motion was approved.

VIII. Public Comments on All Topics

There was none.

IX. Payment of Bills

The Board stated they had reviewed the bills. Ms. DeWolf made a motion to approve the December 11th and 12th, 2013 check registers, seconded by Mr. Haws. There was no public comment and the motion was approved.

X. Adjournment

Mr. Haws made a motion to adjourn the meeting at 9:30pm, seconded by Ms. DeWolf.

Respectfully Submitted,
Robert Layman,
Township Manager