

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown
January 3, 2012, 7:30PM

In attendance were Supervisors Chair Charles P. Barber, Vice Chair Thomas F. Haws, and Police Commissioner Carol R. De Wolf; Township Manager Robert Layman; Township Building Inspector John Wilson; Township Roadmaster Mark Gross; and Township Planning Commission Member Elaine L. Adler. There were sixteen guests in attendance.

I. Call to Order.

As there was a quorum present Chair Barber called the meeting to order at 7:46Pm.

II. Approval of Minutes (December 19, 2011 Regular Meeting).

Ms. De Wolf made a motion, seconded by Mr. Barber to approve the minutes of December 19, 2011. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors approved the minutes as presented.

III. Summary of Board of Supervisors Workshop 1/3/12.

Mr. Barber stated that the following items were discussed at the workshop: Updating of the Township website and soft ware to support the site; Planning Module for the connection of the Westtown-Thornbury Elementary School to public sewer and right-of-way status to connect to the Bayard Rustin Pump Station; Use of the upper soccer field at Oakbourne Park by various teams and organizations which will be on a first come first served basis; Recognition luncheon for Mr. Foster and continued discussions of the Act 537 plan with Stan Corbett of URS. At the close of the regular meeting the Board will discuss the Township's proposed employee health care plan.

IV. Departmental Reports.

A. Township Building Inspector – John Wilson.

Mr. Wilson stated that December was a slow month for permits. He discussed with the Board some of the reporting problems in the new Land Management System. He stated that he is working on closing out the 2010 permits where a final inspection has not been done.

Mrs. Ryan-Platt asked what is the time frame for completion of a permit once it has been issued. Mr. Wilson responded there is no time frame but if the permit is inactive for 180 days it can be revoked or an extension granted. Mrs. Ryan-Platt asked if Mr. Wilson makes site visits to see if a job is completed. Mr. Wilson responded that he is not always notified to make a final inspection. Mrs. Ryan-Platt stated that the property with the pole barn is looking unkempt. She stated there is an oil tank and junk in the front yard and the scenic water garden is not scenic. There are also nine vehicles on the property which are supposed to be in the pole barn when the construction is completed. Mr. Wilson said he can address the trash but cannot accelerate the construction schedule. Ms. De Wolf asked that Mr. Wilson do an inspection, take photos of the condition of the property and monitor what is being done. Mrs. Ryan-Platt asked if the Board has considered putting the applications for permits on the website as she now has a large white tarp on the property next to her. Mr. Wilson stated that there is not anything in the Township code for this type of installation. He stated this falls under light frame construction and does not require any footings but has to be attached to the ground. Mr. Wilson said that until the Board and the Planning Commission decide on what the regulations should be he cannot do anything about these structures. Mrs. Adler stated that a memorandum was sent to the Board requesting that an addendum be made to the PA Uniform Construction Code ("UCC") requiring that a permit is necessary for this type of structure so that inspections can be made. She also stated that those accessory structures must comply with the setbacks for the zoning district in which the property is located. Ms. De Wolf stated that she has one in her neighborhood and feels it impacts the

integrity of the neighborhood and feels they should be prohibited in residential areas. Mr. Wilson stated that the UCC can be amended at anytime.

B. Township Roadmaster- Mark Gross.

Mr. Gross stated that the Department concentrated on stormwater systems throughout the Township cleaning the inlets and headwalls. He stated that two new spring load nets have been installed at the Basketball court at Oakbourne Park. Mr. Gross said the disk filter at the Wastewater Treatment Plant has been disassembled and cleaned with new filters installed. He also stated that a sanitary manhole, which was damaged during the tropical storm in August, has been replaced and the cost of the repairs has been submitted to FEMA for reimbursement.

C. Township Planning Commission – Elaine L. Adler.

Mrs. Adler said that the Planning Commission has recommended to the Board that an addendum is needed to the UCC. She stated that the Commission is looking into accessory buildings because of concerns with the number in the Township and the type and size that are permitted by the zoning ordinance. The Commission is also looking at parking regulations because of the controversy of the parking of trailers and other non-passenger vehicles on residential property. Mrs. Adler said the Commission is looking for a consultant for help with the alternate energy ordinance and for comprehensive plan review. She stated that the Commission will be reviewing the sewage planning module for Westtown-Thornbury Elementary School as required by the DEP. Mrs. Adler thanked the Board for reappointing two of their members.

Mrs. Ryan-Platt asked for an explanation of the purpose of the Planning Commission. Mrs. Adler advised Mrs. Ryan-Platt that historically the Planning Commission has been involved with review of subdivision and land development applications especially in the 70's and 80's but that is now not the case. She stated that the planning agency as defined by the Municipalities Planning Code ("MPC"), is quite vague. The Planning Commission at the beck and call of the Board of Supervisors to review matters that fall into the planning category. The Planning Commission is free to make suggestions and is available for any special projects that fall into this category which may be assigned to them by the Board. Mrs. Ryan-Platt said that she has found that the MPC only offers the basics and feels that Westtown deserves better. She asked that the role of the Planning Commission be defined. If it is just to "kick around" ideas and not have any serious input she feels that a lot of people are wasting time, good ideas and energy. She stated she would like Westtown to be proactive as the Township has been reactive to situations for years. Ms. De Wolf responded that she would have to agree as in recent years the Board has been distracted by some major issues. She stated that the Township will begin a review of the Township's subdivision and zoning ordinance, creation of a new comprehensive and open space plan this year. Ms. De Wolf stated that a consultant will be hired to help with the reviews.

D. Parks & Recreation Commission.

Mr. Layman stated that Parks and Recreation will be meeting on January 10th, 7:30Pm at the Township Office to start planning for their 2012 events. The Commission has expressed its appreciation for the installation of the new nets and back boards at the Basketball court. Mr. Layman said the new tennis nets will be installed in the spring.

IV. Public Comment Non-Agenda Items.

William Roth, 119 E. Hilltop Road, asked what was discussed at the Board's workshop in regard to public sewer. Mr. Roth stated that there are residents who think this is a dead issue and he feels that anything pertaining to sewer should be on the record at all times. Mr. Roth said his understanding from DEP is that they have not given the Township an order to sewer or not to sewer any particular area of the Township. He stated that residents feel this is being forced on the Township by DEP but DEP contends that it is up to the Township to choose the area that would be connected to public sewer. Mr. Roth advised the Board that he has this in writing from DEP. Mr. Barber asked to see the letter referred to by Mr. Roth. Mr. Haws said that sewer is one of the issues he focused on and researched when he was running for Supervisor. He stated that in Westtown's 2000 Act 537 plan submitted to DEP the intention was to sewer the whole Township. DEP felt that this was too aggressive a plan and asked that the plan be refined. In 2006 the Township submitted a more detailed plan which focused on the Township east of the SEPTA tracts. DEP

again asked that the plan be refined even more for specific areas in the eastern end of the Township. Since then DEP has issued a consent order requiring the Township to submit a revised Act 537 plan by September 2012. The Board has been meeting with URS on how to implement this plan. Mr. Haws advised Mr. Roth that he has seen the email from DEP to Mr. Roth pertaining to a DEP meeting where it was stated that the areas in the 2006 plan must be in the new plan. Mr. Haws said that there appears to be a "disconnect" as Mr. Roth is being told that it is the Township's choice as to what areas will have sewer but the Township is being told by DEP they must sewer the areas in the 2006 plan. Mr. Roth said that he has advised the Board at previous meetings that the information that URS has for the Westtown Farms area is incorrect and this has never been corrected. He stated that the Westtown Farms area is probably the best area for on-site systems because of the lot sizes and the absence of streams and wetlands. He stated that Chester County Health Department is still issuing septic permits in the development. Mr. Roth said this is not an issue of money it is the fact that the Township is dealing with incorrect information concerning Westtown Farms. He asked that the Board visit his neighborhood. Ms. De Wolf stated that DEP over a year ago said the Township had failed to go forward with our last Act 537 Plan and issued a consent order to comply. She stated that there are four items that must be looked at in order to determine if an area should be sewered. Ms. De Wolf stated that the Board is very familiar with the neighborhood as once a year they do a tour of the Township to determine the road restoration projects. She also stated that DEP has given the Township a schedule and URS has prepared a time line to accommodate this schedule. Ms. De Wolf said that DEP has not told us what areas are to have sewer as the Township is to collect data to present to them to satisfy their requirements. She stated that the Board will be holding public meetings in April to present their findings. She stated that the Township has huge financial choices to make and at this time she is not at liberty to say that his area will not be sewered. Mr. Roth said that he is only speaking about the inaccurate information that URS has on Westtown Farms and that it is not an area that needs to have sewer. Mr. Haws said the four items that need to be addressed are testing of the soil, lot sizes, age of property and condition of the current septic system. URS is complying this data. He also stated that the information concerning sewer on the Township website is being updated.

Janice Bear, 119 E. Hilltop Road, said at a previous meeting about sewer it was stated that the cost to the residents would be \$50,000. Mr. Haws said the cost would depend on what system was used. He stated the Board is looking at three options which are grinder pumps, gravity or a combination of the two. He stated if gravity was chosen there are still areas that would need grinder pumps. Ms. Bear asked what costs the Township would be paying. Ms. De Wolf stated that this would be discussed at the meetings in April and the Board will be choosing the most reasonable cost solutions for the residents. Ms. Bear said \$50,000 is a high cost in this economy and what would happen if most of the residents in our development could not afford to pay this. Ms. De Wolf asked that Ms. Bear not keep that figure in her mind as this is probably not what the assessment will be. She also stated that the Board will be looking at how to assist the residents with the cost and that the Board is taking this very seriously. She also stated that Ms. Bear cannot assume that they will not be sewered. Mr. Haws said, speaking for himself that the Board is going to look at the most fiscally responsible way to assess the residents and work with them on the cost. Mrs. De Wolf stated that loan packages are being looked at and the information will be presented at the April meetings. Mr. Haws advised Ms. Bear they will be better able to answer her concerns at the meetings in April.

Wilbur Yocum, 127 E. Hilltop Road, stated that no one in his neighborhood has a contaminated well and all septic systems are working fine because the residents take care of their systems.

V. Old Business

There was no old business

VI. New Business.

A. Adopt Resolution 2012-1 Liquid Fuels Allocation 2012.

Ms. De Wolf made a motion, seconded by Mr. Haws to adopt Resolution 2012-1 Liquid Fuels allocation for 2012 in the amount of \$256,643.04. Mr. Barber Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as presented.

B. Adopt Resolution 2012-2 Emergency Services Designation.

Mr. Barber stated that the Township is required each year to designate the emergency service providers for the Township. They are as follows: Goshen Fire Company, West Chester Fame Fire Company, Good Fellowship Ambulance and the Westtown-East Goshen Police Department. Ms. De Wolf stated that there is a need to update the Township's Emergency Management Plan. Mr. Layman advised the Board that Don Verdiani, the Township's Emergency Management Coordinator, will be attending the Board's next Workshop to discuss this.

Ms. De Wolf made a motion, seconded by Mr. Haws, to adopt resolution 2011-2 Emergency Services Designation. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as presented.

C. Resolution 2012-3 Establishing Township Managers 2012 Salary.

Mr. Barber stated that Mr. Layman's salary would be increased by 2% for 2012. Ms. De Wolf said she believed that the increase would be 2.5%. Mr. Layman responded that the Board approved an increase of 2.5% in the 2012 personal payroll budget but the Manager's salary, which by law is set by the Board of Supervisors, will be a 2% increase. .

Mr. Haws made a motion to approve Resolution 2012-3 as presented. Mrs. De Wolf said she could not second the motion. Mr. Barber seconded the motion. Mrs. Ryan-Platt asked if the payroll for the Township personnel was 2.5% except for Mr. Layman. Mr. Barber stated that Mr. Layman was given the discretion to allocate the funds as he saw fit. Mrs. Ryan-Platt said then was the payroll for other Township personnel 2.5%. Mr. Barber said the budget allocation was 2.5% which Mr. Layman could disperse as he felt fit. It did not mean that all personnel would receive 2.5%. Mr. Haws said it was a budget figure of 2.5% which Mr. Layman could allocate appropriately. Mrs. Ryan-Platt asked the range of the allocation. Mr. Layman stated it was 2-3%. Mr. Barber said this was Mr. Layman's choice. Mr. Layman said the budget had to be met. The Board unanimously approved the motion as presented.

D. Approve URS 2012 Wastewater Engineering Services Agreement.

Ms. De Wolf made a motion, seconded by Mr. Haws, to approve the URS 2012 Wastewater Engineering Services Agreement. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously the motion as presented.

E. Approve Execution of Audit Agreement Mingis, Gutowski & Company, LLP.

Ms. DeWolf made a motion, seconded by Mr. Haws, to approve execution of the Audit Agreement with Mingis, Gutowski & Company, LLP for preparation of the 2011 Audit. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as presented.

VII. Public Comment (all topics)

There was no public comment.

VIII. Payment of Bills.

Ms. De Wolf made a motion, seconded by Mr. Haws to approve payment of the bills. The Board of Supervisors unanimously approved payment of the bills as presented.

IX Adjournment.

On the motion of Ms. De Wolf seconded by Mr. Haws the meeting was unanimously adjourned at 8:52Pm.

Respectfully Submitted,
Robert Layman, Township Manager.

