

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown  
February 6, 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; Township Planning Commission Member Russ Hatton; and Parks & Recreation Commission Chair Kristine Lisi. There were ten guests in attendance.

**I. Call to Order.**

As there was a quorum present Chair Barber called the meeting to order at 7:35Pm.

**II. Approval of Minutes (January 17, 2012 Regular Meeting).**

Mr. Haws made a motion, seconded by Ms. De Wolf, to approve the minutes of January 17, 2012. Mr. Barber asked for public comment. Thomas Foster, 734 Westbourne Road, stated that Mr. Haws had reported incorrectly what he had said at the January 4<sup>th</sup> Planning Commission Meeting about temporary structures. Mr. Haws advised Mr. Foster that what he stated was read directly from the Planning Commission Minutes. As this is a correction for the Planning Commission minutes not the minutes of the Supervisors meeting the Board of Supervisors unanimously approved the minutes as presented.

**III. Summary of Board of Supervisors Workshop 2/06/12.**

Mr. Barber stated that the following items were discussed at the workshop: Act 537 Plan with URS; Reviewed contract with Applied Water for submission of the Townships Chapter 94 report; Discussed a Conditional Use Hearing for 1630 West Chester Pike which will be advertised for the February 21<sup>st</sup> meeting; Briefly discussed the monument sign and the 2012-1 Accessory Dwelling Ordinance; Reviewed the Townships Emergency Operations Plan with Don Verdiani and heard a report from Kristine Lisi on Parks and Recreation.

**IV. Departmental Reports.**

**A. Township Building Inspector – John Wilson.**

Mr. Wilson reviewed his report with the Board. Mr. Barber asked about the progress on the senior apartments. Mr. Wilson stated that the foundation is started but they have not applied for the building permits necessary to proceed.

**B. Township Roadmaster- Mark Gross.**

Mr. Gross stated because of the decent winter weather the Department has been able to do repair work on the porches at Oakbourne Mansion. He stated that the Township is working with FEMA for reimbursements for the August storm. Included in the reimbursements are stormwater work on Oakbourne Road and the repair of the swale at the Chester Creek Treatment Plant. Mr. Gross also stated that work was done on replacement of a valve at the treatment plant.

**C. Township Planning Commission – Russ Hatton.**

Mr. Hatton reviewed the January 18<sup>th</sup> Planning Commission meeting. He stated that the Commission reviewed the Conditional Use Application for a construction company office at 1630 West Chester Pike. Mr. Hatton stated that the Township Engineer asked the applicant for documentation of the right-of-way. The Commission also reviewed a sketch plan for a proposed Dunkin Donuts at 1500 West Chester Pike, the old Texaco station. The applicant would like to relocate the Dunkin Donuts, currently located at 1594 West Chester Pike to this site. Mr. Hatton stated that the Commission has concerns with the parking not being sufficient as their will be indoor seating as well as a drive through. The Commission also has concerns with deliveries and noise issues. Mr. Barber asked if the applicant will be closing the other location. Mr. Hatton said he leases the location and it will be closed. Mr. Hatton said the Commission at their meeting this

week will be reviewing the revised plan for a simple subdivision of the Rossiter property 500 E. Pleasant Grove Road.

**D. Parks & Recreation Commission.**

Ms. Lisi stated that events for 2012 have been finalized and will be in the next newsletter. She stated that the Commission is recommending appointment of Bridget and Richard Brown as new members on the Commission. Ms. Lisi said the Commission discussed the Oakbourne Mansion Commission being under Parks & Recreation. She also stated that members of the Friends of Oakbourne were in attendance to discuss how they could work with Parks and Recreation.

**IV. Public Comment Non-Agenda Items.**

Ms. De Wolf reviewed the dam repair project being undertaken by Westtown School. She stated that the Township has reviewed the plans and do not have any concerns.

Kristine Lisi, 915 Shady Grove Way, expressed that she is in favor the Dunkin Donuts as the site of the old Texaco station is an eyesore and that the Township needs a "coffee shop".

**V. Old Business**

There was no old business

**VI. New Business.**

**A. Approve Promulgation Township Emergency Operations Plan ("EOP").**

Mr. Barber stated that the Board had reviewed the EOP with Don Verdiani, the Township's Emergency Management Coordinator, at their Workshop and will approve the plan.

Ms. De Wolf made a motion, seconded by Mr. Haws, to approve the execution of the Promulgation for the Township's EOP. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as presented. Ms. De Wolf thanked Mr. Verdiani for his service as the Township's Emergency Coordinator.

**B. Approve Advertising Conditional Use Hearing 1630 West Chester Pike.**

Mr. Barber stated that a Conditional Use hearing is required for the proposed professional office at 1630 West Chester Pike. The hearing date will be advertised for the February 21<sup>st</sup>, Board meeting.

Ms. De Wolf made a motion, seconded by Mr. Haws, to approve advertising of the Conditional Use Hearing for 1630 West Chester Pike. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as presented.

**C. Approve Agreement For Preparation of The Chapter 94 Report.**

Mr. Barber stated that this is an annual report submitted to DEP for the Westtown-Chester Creek Waste Water Treatment Plant. The following quotes were received: Applied Water Management \$3,750.00 and URS \$4,000.00. The Board, on recommendation, will accept Applied Water Managements quote.

Ms. De Wolf made a motion, seconded by Mr. Haws, to approve the agreement with Applied Water Management for preparation of the Chapter 94 Report in the amount of \$3,750.00. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as present.

**D. Approve Execution of the Monument Sign Landscaping & Maintenance Agreement.**

In attendance were Patrick McKenna, Gawthrop Greenwood and Greg Adelman, lawyer for Chester County Outdoor.

Mr. McKenna reviewed the Landscaping and Maintenance Bond required by the August 19<sup>th</sup> settlement agreement with Chester County Outdoor. He stated that Chester County Outdoor has executed the agreement and placed funds in escrow. The escrow will be a perpetual maintenance fund based on the \$154,000.00 estimated cost of the landscaping. The amount in escrow, \$23,182.50, is 15% of the landscaping cost. The escrow will be in effect as long as the Monument is in operation. Mr. Adelman stated that the agreement provides for an annual readjustment to reflect current costs. The cost of the installation would be re-bid and the 15% would be escrowed at that time. Ms. De Wolf asked if the re-bid would be for what had already been planted. Mr. Adelman stated that the same plant material would be used. He also stated that some revisions have been made to the landscaping plan in the settlement agreement. Instead of White Spruce on Route 202, as they are not feasible, 27 giant Arborvitae and 91 evergreen deciduous shrubs will be planted. Ms. De Wolf asked questions about the changes in the landscaping and expressed her concern that the Board had not seen the revisions. Mr. Layman stated the plans had been received and forwarded to Mr. Comitta (Township Landscape Architect) for his review. Mr. Adelman stated that there was a letter, dated 1/30/12 from Mr. Comitta approving the plan revisions and which he assumed that Ms. De Wolf had seen. Ms. De Wolf asked Mr. McKenna if he had seen Mr. Comitta's review. Mr. McKenna responded that he and Mr. Adams had both seen the review. Ms. De Wolf stated how does the Board know what they are approving if they have not seen the plan. Mr. McKenna advised Ms. De Wolf that the plan is attached to the agreement. Mr. Adelman stated that an escrow account in the amount of \$635.00 has also been established for restoration of Ms. Money's property.

David Malman, representing Ms. Money, said that in discussions with Mr. Comitta it appeared that Mr. Comitta did not know about the berm and mounding and that he feels, in his opinion that Mr. Comitta does not know what the effect of the buffer will be on Old Wilmington Pike. Mr. Malman said the only request he has on behalf of his client is that Township make sure that it is getting the elevation that was agreed to in the settlement agreement. He asked that the Board defer action as he has concerns about the height of the trees and does not feel an informed judgment can be made this evening. Mr. Adelman disagreed with Mr. Malman and stated that the topography has been raised and their landscaping budget increased. Mr. Haws said the aerial coverage of the plantings is very similar to the original landscaping. Ms. De Wolf said that aerial coverage in height could be low bushes. Ms. De Wolf again expressed that the revised plan should have been reviewed by the Board before it was forwarded to Mr. Comitta. Mr. Layman asked since the billboard is operating is there any reason not to hold off the approval of the agreement for two weeks. Mr. Adelman said there would be no harm in doing that but he would like everything in place so they can move forward with ordering the plant material. Mr. Malman stated their concern is not the change in the trees but the changes in the elevation with the tiers. Mr. Malman asked if there was anyone on the Board who could assure his client that the billboard will be screened to its full height once the landscaping is completing. Mr. Haws advised Mr. Malman that based on letter from Mr. Comitta and the agreements the Board will be approving tonight that is the intention.

At this time Mr. Barber called for a motion. Mr. Haws made a motion, seconded by Mr. Barber to approve execution of the Monument Landscaping and Maintenance Agreement. Mr. Barber asked for public comment. Charles Braver, 1046 Dunvegan Road, applauded the supervisors for trying to mitigate the effects of the billboard; making a silk purse out of a sow's ear. Ms. De Wolf said her vote is nay and that the agreement is necessary but does not need to be approved tonight and she does not understand how the Board was not included in the review process. The Board of Supervisors, on a vote of two to one, approved the motion as presented.

**E. Sludge Removal Proposal.**

Mr. Barber stated that the bid with Franc Environmental was for two years with a third year option. As this is the third year the Board is accepting the option in the amount of \$61.00/1000 gals, which is a slight increase. This has been reviewed and approved by the Roadmaster.

Ms. De Wolf, made a motion, seconded by Mr. Haws, to approve the third year option with Franc Environmental in the amount of \$61,00/1000 gals. Mr. Barber asked of public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as presented.

**F. Appoint Bridget and Richard Brown to The Parks & Recreation Commission.**

Mr. Haws made a motion, seconded by Ms. De Wolf, to appoint Bridget and Richard Brown to the Parks & Recreation Commission. Mr. Barber asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as presented.

**G. Adoption of Ordinance 2012 Amending Chapter 170 Zoning of The Code of The Township Relating To Accessory Dwellings.**

This item was tabled.

**H. Adoption of Ordinance 2012-1 Amending Chapter 170 Zoning of The Code of The Township Of Westtown Relating to Fences and Walls.**

Ms. De Wolf made a motion, seconded by Mr. Haws, to adopt Ordinance 2012-1 Amending Chapter 170 of the Code of the Township of Westtown relating to Fences and Walls. Mr. Barber asked for public comment. Ms. Lisi asked about permits for fences. Mr. Layman gave an overview of the ordinance and stated that permits will be required for certain fence installations. The ordinance is available at the Township Office and on the Township website. The Board of Supervisors unanimously approved the motion as presented.

**VII. Public Comment (all topics)**

Geoffrey Kramer, 1046 Dunvegan Road, stated his feelings that the sign is garish, in your face and distracting to drivers. He stated he was on vacation when this was approved by the Board and asked since the Township did have a sign ordinance how did this happen. Mr. Layman stated that the sign ordinance did not cover this type of signage and the State requires that all usages be covered by ordinance. He explained to Mr. Kramer the Township's negotiations with Chester County Outdoors. Mr. Kramer said his observations are that the sign is too close to the road, too bright, and the white background is dangerous at night. Ms. De Wolf stated that the illumines were reviewed by our consultant and they meet the night sky ordinance.

Pierson Sill, 1004 Goodwin Lane, discussed the timing of the billboard with the Board. Mr. Sill stated that he would like to continue discussions on selling the Chester Creek Plant with the Board but will drop this if the Board feels it is not a viable discussion at this time. Mr. Barber advised Mr. Sill that at this point the timing is not good nor are the finances. Ms. De Wolf said that in her opinion the Board has never received an accurate estimate from Aqua of what they would offer. Mr. Sill asked if Westtown School would be connected to the treatment plant. Ms. De Wolf stated they will be when the Township accepts the lines from the WCASD. Mr. Still asked about the excess land at the high school. Mr. Barber said the District has approached the Board about this but they are waiting for the economy to improve before they make any decisions.

Mr. Layman, addressing Mr. Kramer, said that residents need to try and visualize what the billboard will look like when the landscaping is in place. He stated that the Board negotiated very hard and it looks a lot better than it could have. Mr. Layman said the Board did a good job.

It was announced that the next Board meeting, because of Presidents Day, will be held on Tuesday, February 21<sup>st</sup>.

**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 9:10Pm.

Respectfully Submitted,  
Robert Layman, Township Manager.

