

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
STOKES ASSEMBLY HALL, 1039 WILMINGTON PIKE  
Monday, September 19, 2011 7:30Pm

In attendance were Supervisors Chair Thomas A. Foster, Vice Chair Charles P. Barber and Police Commissioner Carol R. De Wolf; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; Township Solicitor Robert F. Adams; and Planning Commission Member David Walter. There were seven guests in attendance.

**I. Call to Order.**

As there was a quorum present, Chair Foster called the meeting to order at 7:33 Pm. and led those present in the pledge of allegiance to the flag.

**II. Approval of Minutes (August 1, August 15, and September 6, 2011 Regular Meeting).**

Mr. Foster made a motion, seconded by Ms. De Wolf, to approve the minutes of the August 1, 2011 regular meeting. Mr. Foster asked for public comment. There was no public comment. (Mr. Barber was not in attendance at the 8/1/11 meeting). The Board of Supervisors approved the minutes as corrected (Section V:III paragraph 11 change recourses to resources).

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the minutes of the August 15, 2011 regular meeting. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approve the minutes as presented.

Mr. Barber made a motion, seconded by Ms. De Wolf, to approve the minutes of the September 6, 2011 regular meeting. Mr. Foster asked for public comment. There was no public comment. (Mr. Foster was not in attendance at the 9/6/11 meeting). The Board of Supervisors approved the minutes as presented.

**III. Summary of Board of Supervisors Workshop 9/19/2011.**

Mr. Foster stated the Board met with representatives of the Bozzuto development and the Robinson Family to discuss the proposed apartments for the Crebilly Tract. Sewer capacity, traffic and road improvements were discussed. The Board also held an executive session to discuss police matters.

**IV. Departmental Reports.**

**A. Westtown-East Goshen Police Department – Chief John M. Dumond.**

Chief Dumond stated the Department responded to 1,224 calls for service in August with 457 of the calls in Westtown. He stated that the Department is continuing to investigate the incident of a pedestrian hit by a vehicle at the intersection of Green Lane and Route 3. He stated that this was not a hit and run accident. Mr. Barber asked about a home invasion in East Goshen. Chief Dumond stated that as this is an ongoing investigation he could not comment on the incident.

**B. Township Solicitor Robert F. Adams.**

Mr. Adams stated he did not have a report at this time.

**C. Planning Commission – David Walter.**

Mr. Walter reported on the September 7<sup>th</sup>, Planning Commission Meeting. He stated that the Commission completed review of revisions to the fence ordinance. The Commission is recommending that the Board approve and adopt the revised fence ordinance. Mr. Foster

stated that he finds the ordinance acceptable. Ms. De Wolf suggested the fence ordinance be addressed under New Business. Mr. Walter stated that the Commission is reviewing alternative energy ordinances from other Townships. The Commission would like an ordinance that would cover solar, wind power and geothermal installations.

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

Sonny Campanella, 1056 E. Niels Lane, stated that he is having a tremendous amount of water runoff onto his property from the construction of a new residence on W. Pleasant Grove Road. This was a wooded property and at least 50 trees were removed during construction. Mr. Campanella stated it appears that there has not been any work done on the outside of the property since December and that now is the time the property should be seeded and planted. The runoff has saturated the ground around the trees at the base of the property. Because of this a tree has fallen on his house and on his wife's car. He also stated that water is pooling on his septic system. Mr. Foster asked is this happening because the property has not been stabilized or because of the recent storms. Mr. Campanella responded that it is lack of stabilization. He also stated Mr. Layman has made a visit to the site. Ms. De Wolf asked if the water problem was prior to the recent hurricane. Mr. Campanella responded that this had happened in April and May and he had contacted the builder but nothing was done to correct the problem. Ms. De Wolf stated that prior to last year the Steele's, 1055 E. Niels Lane, had storm water issues because of the Arborview basin and questioned if this was part of Mr. Campanella's problem and should be addressed. Mr. Foster directed that the Township Engineer and the Chester County Conservation District be contacted to address this issue. Mr. Adams advised Mr. Campanella that the Township's responsibility is limited to making certain that the Erosion and Sedimentation measures have been employed. Mr. Adams also stated that Mr. Campanella may have a civil action against the owner, something the Township cannot do, if the tree removal and grading of the lot are the cause of the water problem. Mr. Adams stated that the builder must install the Erosion and Sedimentation controls.

Mr. Ronald Smith, 507 W. Pleasant Grove Road, stated that he is also having problems with stormwater run off from the new house construction. He stated that he was having problems before Irene with significant water on his property and in his basement. Mr. Smith said he has lived here since 1988 and has never had a problem with water coming in his home and feels this is because the building lot was decimated of trees. He stated that Mr. Wilson was out once to look at the situation and that he had met with Mr. Layman today and took him around the property. He also stated that he had called Mr. Wilson with concerns that bituminous products are allowed to be used for driveways and that this product had been in dumpsters near his well. Ms. De Wolf stated that the time line for completion of the new residence and restoration of the grounds needs to be reviewed. Mr. Adams advised Mr. Smith that the Township can only enforce their ordinance. Mr. Foster advised Mr. Smith that the Township will address his concerns and will make sure that the builder is in compliance with our ordinances.

Herb Hoppe, 613 Picket Way, asked if a decision had been made by the Township Engineer concerning the Wild Goose Basin. Mr. Layman said he is meeting with representatives from Liberty Square next Tuesday. Mr. Hoppe stated that according to the Conservation District the original plan was that the basin was to drain out not be a seepage bed which is unacceptable to Wild Goose.

**VI. Old Business:**

**A. Approve Agreement With West Goshen Sewer Authority For The Westtown-Thornbury Elementary School.**

Mr. Foster stated the agreement with West Goshen is to remove Westtown-Thornbury from the West Goshen Sewer District and place in the Westtown-Chester Creek District. The agreement will be sent to West Goshen for their review and approval. He also stated that the agreement will not be signed until all the paper work is completed by the West Chester Area School District to dedicate the Rustin Pump Station and lines to the Township.

Ms. De Wolf made a motion to approve the agreement with West Goshen Sewer Authority for the Westtown-Thornbury Elementary School. The Chairman will be authorized to sign the

agreement only when the West Chester Area School District has completed all necessary paper work for the dedication of the Rustin Pump Station and sewer lines by the Township. Mr. Foster asked for a second to the motion. Mr. Barber said he could not second the motion as it has been six years since Rustin was completed and the District WCASD still has not turned over the pump station and lines. Mr. Foster asked for public comment. Tom Haws asked what does the Township need from the School District. Mr. Adams stated that the lines were installed without the benefit of obtaining easements on two private properties. He stated that the District, has in good faith, attempted to obtain the easements and this should be resolved shortly. The Board of Supervisors approved the motion as presented. Mr. Barber abstaining.

**VII. New Business.**

**A. Minimum Municipal Obligation (MMO) – Township Pension Plan.**

Mr. Foster stated that each year the Commonwealth requires that the Board, at a public meeting acknowledge the Township's Minimum Municipal Obligation ("MMO") for the Employee Pension Fund. The obligation for 2012 is \$37,887.00.

Ms. De Wolf made a motion, seconded by Mr. Barber, to acknowledge this year's MMO in the amount of \$37,887.00. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as presented.

**B Authorize Advertising of The Revised Fence Ordinance.**

Mr. Foster stated that revisions have been made to the existing ordinances for fences and asked for a motion to advertise the ordinance for adoption.

Ms. De Wolf made a motion, seconded by Mr. Barber, to authorize advertising of the revised Fence Ordinance. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the motion as presented. \_\_\_\_

**VIII. Public Comment.**

Mr. Haws asked about Park & Recreations recommendations that were included with the September 6<sup>th</sup> Board of Supervisors minutes. He stated that they are not posted with the minutes on the website. He asked if there was a time frame for implementing the recommendations. Ms. De Wolf stated that members of Park and Recreation had made site visits to the Township parks and made recommendations. She stated that no action would be taken at this time as the Board will consider what might be addressed in the 2012 budget. Mr. Haws asked about the broken glass at the Kiosk in Oakbourne Park. Mr. Foster responded that this will be handled by the Public Works Department.

**IX. Payment of Bills.**

On the motion of Ms. De Wolf, seconded by Mr. Barber, the Board of Supervisors unanimously approved payment of the bills as presented.

**X. Adjournment.**

On the motion of Ms. De Wolf, seconded by Mr. Barber, the meeting was adjourned at 8:20Pm.

Respectfully Submitted,  
Robert Layman,  
Township Manager