

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown
February 2, 2009, 7:30PM

In attendance were Supervisors Chair Carol R. De Wolf, Vice Chair Charles P. Barber; and Police Commissioner Thomas A. Foster; Township Manager Robert Layman; Township Building Inspector John Wilson; Township Roadmaster Mark Gross; Township Planning Commission Richard Pomerantz; and Oakbourne Mansion Commission Chair Eva Foster. There were nine guests in attendance.

I. Call to Order.

As there was a quorum present Chair De Wolf called the meeting to order at 7:32Pm.

II. Approval of Minutes (January 19, 2009 Regular Meeting).

Mr. Foster made a motion, seconded by Mr. Barber, to approve the minutes of the January 19, 2009 regular meeting. Ms. De Wolf asked for public comment.

Jeff Winiecki, 207 Swinburne Road, asked that his comments on page 3, concerning the Sidewalk and Curb Ordinance, be clarified that the homeowners in Pleasant Grove would not be against being responsible for curbs/sidewalks in the development but since curbs are part of the street they would consider curbs to be the responsibility of the Township.

The Board of Supervisors unanimously approved the minutes as corrected (Page 3 Section VII:A paragraph 5 correct to read Pleasant Grove Homeowners would not be against being responsible for sidewalks in the development. Since curbs are part of the street they would consider curbs to be the responsibility of the Township).

III. Summary of Board of Supervisors Workshop 1/5/09.

Ms. De Wolf reviewed the following items that were discussed at the workshop: The possibility of a Regional Emergency Management which will be discussed by the Council of Governments; The proposed amendments to the lighting ordinance as Mr. Adams had suggested some changes to the ordinance. The Board is planning on having the proposed Lighting Ordinance on the agenda of the March 2nd, 2009 meeting; A discussion of collection of unpaid utility billing; A discussion of parking of trailers in front yards; also discussed was the request by Thornbury Chester County to purchase a Wavetronix Smart Sensor system for the traffic signal at Route 202 and 926. The Board feels more information is needed on this issue; and Mr. Wilson was in attendance to discuss specifications for roof work at the Oakbourne Mansion

IV. Departmental Reports.

A. Township Building Inspector – John Wilson.

Mr. Wilson reviewed the January Building Report. He stated that he received applications for eleven Use & Occupancy resale inspections in the past two weeks which is unusual for this time of year. He stated that there are ongoing problems with the new house being built on the lot at Route 202 and Oakbourne Road. As the style of the house was changed the original stormwater management plan was not applicable to the site. The stormwater management had to be re-engineered and reviewed again by Mr. Pingar.

B. Township Roadmaster- Mark Gross.

Mr. Gross stated that the Department responded to eight snow/ice storms in January. The cost so far for the season is approximately \$75,000. Most of the storm work was done in house with the part time drivers keeping the expenses down. Mr. Gross stated that once the ground was frozen in the Park they were able to continue with the removal of the hazardous trees around the Mansion. He also stated at the end of December there was a backup in the sewer line on

Wickerton Drive caused by grease from the Market Place Shopping Center. As our contractor was not available, East Goshen helped with cleaning the line. Mr. Gross stated that the line needs to be cleaned and then TV'd in order to determine who is responsible for the grease. Ms. De Wolf asked if the businesses are required to have grease traps. Mr. Wilson responded yes and that several of the restaurants have grease containers outside. He also stated that businesses with grease traps are required to report monthly report to the Township that the traps have been cleaned. Ms. De Wolf said she feels we should have the Health Department inspect the business that we feel is the offender. Ms. De Wolf asked what the cost would be to clean and TV the line. Mr. Gross responded approximately \$4,000. Mr. Foster asked if the owner of the shopping center had any responsibility with this issue. Ms. De Wolf asked why the property owner would be responsible as these are "in line" grease traps. Ms. De Wolf asked what would be gained by having the line TV'd. Mr. Wilson stated that we would know who was responsible and can assign the blame to the right culprit. Mr. Gross stated that the Township has had the same situation with the Westtown Village Shopping Center and from a maintenance standpoint he feels the TVing should be done. Mr. Barber stated that he also feels the responsibility should be on the owners of the shopping centers. Ms. De Wolf said she is not in favoring of having the line TV'd. After further discussion Mr. Layman was directed to meet with Mr. Gross and Mr. Wilson to establish a program for monitoring grease traps and grease containers. Mr. Gross said that future projects will include sampling the wet outfalls for the MS4 permit report. He advised the Board that in the near future he will be submitting a list to Mr. Layman of roads to be considered for resurfacing this year. He would like to be able to bid early this year.

C. Township Planning Commission – Richard Pomerantz.

Mr. Pomerantz reported on the January 21st meeting. The Commission reviewed a request for a special exception for the property located at 1631 West Chester Pike. Currently the property is a non-conforming use with a special exception for new car sales. The applicant would like to have an auto repair service for high end cars. The Commission made a recommendation, to the Zoning Hearing in support of this use. Mr. Pomerantz said that the Commission had sent a letter to the Board stating that they cannot make a recommendation Fair Share Properties Land Development plan until issues are resolved concerning the connector road. They would like to meet with the Board to address these issues. Ms. De Wolf said the Board is aware that the southern end of the connector road needs to be better defined. Mr. Foster suggested arranging a meeting with all the parties involved to resolve these issues. Mr. Foster mentioned that a State grant for the engineering of the road could possibly be obtained through the Delaware Valley Regional Planning Commission. Mr. Pomerantz said the Commission also discussed how their minutes should be prepared. It was the decision of the Commission that minutes are a summary of the meeting. Mr. Pomerantz asked Mr. Gross about the pot hole on Route 926 near Shiloh Road. Mr. Gross stated this is a State Road and PennDOT is responsible for the repair.

D. Parks Advisory Group – Leonard Tehrani.

As Mr. Tehrani was not in attendance Mr. Layman reported on the January 13th meeting of Parks Advisory. He stated the majority of the meeting was spent planning events that Parks Advisory would hold this year. Ms. De Wolf said the Board received and reviewed the minutes of the meeting.

E. Oakbourne Mansion Commission – Eva Foster.

Mrs. Foster stated that she has had inquires for events at the Mansion but no takers. She feels this is due to the economy. The Commission was planning to hold a Business to Business card exchange this month but has decided to wait till spring as the parks grounds enhance the Mansion.

V. Public Comment (None Agenda Items).

Russ Hatton, 940 Kilduff Circle, stated that there are areas of Shiloh Road that need patching before they become pot holes. He stated during the recent snow storm there were two accidents on Shiloh Road at Ashley Road and Hunt Drive. He asked who the residents can contact in the early morning, around 6:00Am, when it's obvious that the road needs to be salted or plowed. Mr. Gross advised Mr. Hatton to call the police as the Road Department is already out plowing. He also stated that Shiloh Road, because

of the school and heavy traffic volume, is a priority and the police are aware of this. Mr. Barber mentioned that part of Shiloh Road is not dedicated to the Township. Mr. Gross stated that the section from Russell Lane to Route 926 is not dedicated. This is the part of the road that is deteriorating and has been discussed with the WCASD. The Township Engineer has advised the District in writing of the repairs that need to be done. The WCASD is responsible to make these repairs. Mr. Barber asked if the Township plows that portion of the road. Mr. Gross responded yes the Township has taken the responsibly as it is a public safety issue and it would not get done if we did not do it.

Mr. Pomerantz addressed Mr. Foster as Police Commissioner. There was an article in the recent Township Gazette concerning the increase in crime in our area. Mr. Pomerantz said there seems to be a disconnect between the Police Department and the sense of urgency in the article. He noticed a person who appeared to be a vagrant walking in the forest behind his house which backs up to Penn Wood School. In the 23 years he has lived here he has not seen anyone like this in the forest. Mr. Pomerantz said when he called the police they asked him what the problem was and if the person was doing anything wrong. The onus was on him to prove that something was wrong. It appeared they did not have the same concern as indicated in the article. Ms. De Wolf asked who he called. Mr. Pomerantz said he called both the police non-emergency and 911. Ms. De Wolf said the dispatchers are well trained to handle these calls. She stated that it is possible the police had checked this out before they came to see him. Mr. Pomerantz said he did not feel this was the case. Mr. Foster said he will address this at the next Police Commission Meeting and reminded Mr. Pomerantz that the commission meetings are opened to the public.

John Lain, 1540 Johnny's Way, advised the Board that they should contact the Chester County Health Department concerning the grease issue. He stated the Health Department should be able to do a special inspection at the location in question.

Mr. Winiacki thanked the Board for putting the proposed lighting ordinance on the March 2nd agenda. He stated that since the meeting will be for public comment that the Board might want to consider an alternate site for the meeting as he feels it will be well attended. Mr. Layman will look at the option of using one of the schools for the meeting. He also stated that the proposed ordinance will be available on the website.

VI. Old Business

Mr. Foster advised the Board, because of the short fall of \$227,000 in utility payments, they should review the budget as there might be a need to make some reductions. Mr. Layman said this could be done on either bi-weekly or monthly. Ms. De Wolf asked if this could be done at a workshop.

VII. New Business.

A. Appointment of Zoning Hearing Board Alternate.

Ms. De Wolf stated there was some confusion concerning Dane Criddle being able to continue serving on the Zoning Hearing Board. It has been clarified that he is willing to continue as an alternate on the Board.

Mr. Foster made a motion, seconded by Mr. Barber to re-appoint Dane Criddle as an alternate on the Zoning Hearing Board. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the appointment.

B. Accept Tract 2008-10 Tordone Simple Lot Subdivision 1015 Shiloh Road.

Ms. De Wolf stated that Mr. Tordone had presented two sketch plans to the Board for development of the property. The Board had indicated which plan they preferred. Mr. Tordone has also presented the sketch plans to the Planning Commission. The application for Land Development is in order for acceptance this evening. .

Mr. Foster made a motion, seconded by Mr. Barber, to accept Tract 2008-10 Tordone and to forward the plan to the Planning Commission for their review. Ms. De Wolf asked for public comment. Mr. Hatton asked about trying to save the beautiful old trees that are on the property line of the tract. Ms. De Wolf advised him to attend the Planning Commission when they review

the plans. The Board of Supervisors unanimously accepted the plan and forwarded the plan to the Planning Commission for their review.

C. Approve Resolution 2009-3 Amending Resolution 2008-5 Right to Know Policy.

Mr. Layman said a notice was published in the PA Bulletin concerning collection of fees under the Right to Know Policy. The State set the fee for a certification at \$1.00. This caused confusion concerning how much a Municipality can charge for a tax or utility certification. At the present time the Township fee is \$10.00 for a certification. Mr. Layman stated that he discussed this with PSATS and their interpretation was we could charge our normal fee for an actual certification. The Resolution is being amend to reflect that the fee for certification will be in accordance with the Township fee schedule and any applicable law of the Commonwealth of Pennsylvania.

Mr. Foster made a motion, seconded by Mr. Barber, to approve Resolution 2009-3 amending Resolution 2008-5 Right to Know Policy. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the Resolution.

VIII. Public Comment (all topics)

There was no public comment.

IX. Payment of Bills.

Mr. Foster made a motion, seconded by Mr. Barber, to approve payment of the bills. The Board of Supervisors unanimously approved payment of the bills as presented.

X. Adjournment.

On the motion of Mr. Foster, seconded by Mr. Barber the meeting was unanimously adjourned at 8:35Pm.

Respectfully Submitted,
Robert Layman,
Township Manager