

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike, Westtown  
October 5, 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 Member Eric Rohrbach; and Oakbourne Mansion Commission Chair Eva Foster. There were fifteen guests in attendance.

**I. Call to Order.**

As there was a quorum present Chair De Wolf called the meeting to order at 7:35Pm and led those present in the Pledge of Allegiance.

**II. Approval of Minutes (September 21, 2009 Regular Meeting).**

Mr. Foster made a motion, seconded by Mr. Barber, to approve the minutes of the September 21, 2009 regular meeting. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

**III. Summary of Board of Supervisors Workshop 10/5/09.**

Ms. De Wolf stated that the following items were discussed at the Board's workshop: The 2010 Budget; Contract negotiations with the Westtown-East Goshen Police Department; and the reconstruction of Shiloh Road which is on tonight's agenda.

**1V. Departmental Reports.**

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

Mr. Wilson reviewed the September Building Report. He stated that the sale of homes in Westtown appears to be up as the amount of Use and Occupancy Permits issued used for re-sales is higher than in previous years. He also stated that the underground tanks for the WaWa have been installed and construction is moving quickly forward.

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

Mr. Gross reported on the Road Department's work in September. He stated the Carrie Lane detention pond was re-contoured, the outfall structure replaced, and the berm wall rebuilt. The residents are pleased with the reconstruction work. He stated that the Department repaired six more stormwater inlets on the roads that are scheduled for paving. He also stated that work was done to correct the elevation on thirty-five man hole lids so they would not be a problem during snow plowing. The Township's road restoration project for this year will commence, weather permitting on Monday, October 12<sup>th</sup>.

**C. Township Planning Commission – Eric Rohrbach.**

Mr. Rohrbach stated the Commission reviewed the preliminary land development plan for the Loew property, 1081 Wilmington Pike, at their September 23<sup>rd</sup> meeting. The Commission is recommending that the Board approve the preliminary plan with conditions. He stated that there is an easement on the plan that neither the developer nor the Church wants. The easement was for possible future parking when the Township owned the building. He stated that the Township Solicitor and Township Engineer are working to resolve this issue with Mr. Loew. The Planning Commission also reviewed the application to the Zoning Hearing Board for the Sleiman property. The Commission has no recommendations on the application. Mr. Rohrbach stated that Sharon Bank was the only item on the Planning Commission's agenda this week but as they are not ready to make a presentation the meeting is canceled.

**D. Parks Advisory Group – Leonard Tehrani:**

In the absence of Mr. Tehrani, Mr. Layman presented the Parks report. He stated that the Dog Show held on September 26<sup>th</sup> was a great success. The show was well attended and well received. Mr. Foster, who attended the show, stated that Parks Advisory did a terrific job and deserves our compliments.

**E. Oakbourne Mansion Commission – Eva Foster.**

Mrs. Foster said the Commission has been aggressively marketing the Mansion to local firms and business for Holiday parties. She stated that there was a wedding reception, at the Mansion this past Saturday, which was a tented event with 400 guests in attendance. There will be another tented event on Saturday the 10<sup>th</sup>. The Commission will be decorating the Mansion for the Holidays.

**V. Public Comment (Non Agenda Items).**

In attendance for the West Chester United Soccer Club (“WCUSC”), were Gary Bevilacqua, member of the WCUSC Board, and Damon Nolan, Director.

Mr. Bevilacqua stated that they were in attendance to address WCUSC’s field lease agreement with Westtown that expires December 31<sup>st</sup> of this year. He presented the Board with copies of a new lease agreement which is basically the same as the current agreement. He stated that the Club spends approximately \$12,000 a year to maintain the field under their turf management program. They also maintain the post and rail fence on S. Concord Road which they installed several years ago. Mr. Bevilacqua said they are hoping to have the lease approved by the end of the year. Ms. De Wolf asked if the fee under the current agreement was \$1,000 for three years. Mr. Bevilacqua responded in the affirmative. Ms. De Wolf asked about the use of the field. Mr. Damon stated that the new drafted agreement only changes the dates of the agreement, has the same verbiage, and no new sections have been added. He stated that the field is used for in house leagues and their travel programs. He also stated that their members are primarily Westtown residents. Mr. Barber asked how many fields total do they maintain. Mr. Damon said fifteen fields with access to use WCASD fields. He also stated that they have 3600 members. Mr. Bevilacqua stated they do share facilities with WCASD but do not maintain their fields or pay a fee for usage. Mr. Foster asked what other outside groups used their fields. Mr. Bevilacqua said they allow St. Maximilian Kolbe to use the field. Ms. De Wolf asked if the liability amounts in the agreement are the same as three years ago. Mr. Bevilacqua said any outside group using the fields are required to have insurance, a copy of which must be presented to the club. Mr. Barber stated that he feels the Township’s insurance should be reviewed for liability. Mr. Layman stated that this was reviewed with our agent. three years ago for the current agreement. Mr. Foster advised Mr. Bevilacqua that the Township has been discussing if the fields should be put out for bid and that is the approach the Board might take. Mr. Bevilacqua said the Club is hoping for a decision before the end of the year.

Scott Davis, representing East Side Little League (“ESLL”), said they have a different viewpoint than WCUSC as they would like to extend their contract for a longer term. He stated they spend approximately \$15,000 a year to maintain the field. They have a capital project planned in the amount of \$50,000 to rebuild the dugout, install a little league fence, and re-grade the outfield. Mr. Davis said there are 860 members in ESLL with 60% of the membership from Westtown. He also stated that there are not many fields in the area they can use. They do allow other groups to use their fields and all groups must show proof of insurance. Mr. Davis stated they would like to extend the contract to seven or ten years in order to make it worthwhile to do the \$50,000 in improvements. The possible bidding out of the fields was discussed. Mr. Bevilacqua advised the Board that the field complex at Oakbourne is at a higher level than most parks. He stated that the Township would have to evaluate if they could maintain the fields at the level the clubs do now. If they can’t the fields will look like upper Oakbourne. Mr. Barber asked Mr. Bevilacqua if he thought it was fair to be able to use the School District facilities for free at the expense of the tax payer. Mr. Bevilacqua said he looks at it from a different point of view because as taxpayers they are already paying for the school facilities.

Eva Foster said that she has been contacted by organizations asking about use of the fields and asked if the Board decides to bid the field usage, what the time frame would be. She also asked what other uses

would be permitted on the fields. Ms. De Wolf stated that the Board needs to discuss how they would bid and what the appropriate uses would be.

**VI. Old Business**

There was no old business. \_

**VII. New Business.**

**A. Approve Annual Chester County GIS Consortium Tier II Agreement.**

Ms. De Wolf stated that this is a yearly agreement with Chester County GIS to help with the mapping of Township infrastructure. This system is used by our Road Department and for planning purposes. The yearly contract is \$3,600.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the annual Chester County GIS Consortium Tier II Agreement. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the agreement.

**B. Grant Preliminary Land Development Plan Approval for Tract 2008-5 Loew, 1081 Wilmington Pike.**

Tim Townes, Project Coordinator, was in attendance.

Mr. Townes stated, as the Board is aware, the Planning Commission has recommended preliminary plan approval with seven conditions. One of the conditions relates to the issue of the easement. Mr. Townes stated that they have met with the Church and are in agreement that the easement should be removed from the plan as the need for the easement never materialized. He also stated that there will be grading to the slope in the area of the easement and a retaining wall installed between the properties. Mr. Townes stated that the plan reflects building either an office or medical building as per the Board's Conditional Use approval. The property is being marketed and a decision will be made before any application for a building permit. Ms. De Wolf asked if the Fire Marshal has reviewed the plan. Mr. Layman stated the review has not been received.

Mr. Foster made a motion, seconded by Mr. Barber, to grant preliminary land development plan approval for tract 2008-5 Loew conditioned on the Planning Commission letter of September 29, 2009. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously granted preliminary plan approval as conditioned. \_

**C. Resident Presentation Sanitary Sewer – Hilltop Road.**

William Roth, 119 E. Hilltop Road, presented handouts to the Board pertaining to the proposed public sewer for the Westtown Farms development (East and West Hilltop Road and Woodcrest Road). He stated his purpose for coming before the Board was to respectfully request that Westtown Farms be removed from the Township's Act 537 revised study for public sewer. He stated that the handouts given to the Board are supported by documented facts from government agencies and will show that information presented by URS at public meetings was misleading. Mr. Roth stated that the residents of Westtown Farms had voiced their concerns at the public hearings two years ago. They had also asked that the misleading information from URS on the Township's website be removed and this has never been done. Mr. Roth stated that their concern is that DEP is using this misinformation in their revised study. Mr. Roth said that the lots in Westtown Farms are on an acre or more and are not on public water. The charts that URS presented are incorrect. Westtown Farms is the highest elevation in Westtown, does not have streams, or wetlands, and has sub-stainable soil for on lot systems. He stated that Westtown Farms should be removed from the revised study and thanked the Board for considering this important matter. Ms. De Wolf asked if Mr. Roth had any discussions with DEP prior to DEP's letter of October 5<sup>th</sup>. Mr. Roth responded that they had a copy of the letter from DEP and their interpretation of the letter is that the Board was looking for ways to remove certain areas from the sewer project. Ms. De Wolf asked Mr. Roth if knows the condition of the on-lot systems in his neighborhood and if the residents take care of their systems. Mr. Roth responded that he thinks

they are in good condition. Ms. De Wolf said she wants Mr. Roth to understand that the Township has put the rein on URS and they do not do any work unless they are instructed by the Board. She also stated that the Township's discussions with DEP are directly with them not through URS. Ms. De Wolf stated that the study of the on-lot systems in the Township depends on reimbursement from DEP which is not available at the present time. Ms. De Wolf advised Mr. Roth that Mr. Layman will keep him updated on the proposed sewer project.

**D. Approve Temporary Road Closing Edgewood Chase.**

Ms. De Wolf stated that under Township Code the Board has to approve any road closing. Edgewood Chase is having a neighborhood party on October 10<sup>th</sup> from 4: Pm – 9: Pm and would like the road closed. Mr. Layman stated that Chief Dumond has been informed and there is no problem as long as an emergency vehicle can have access.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the temporary closing of Edgewood Chase Drive for their neighborhood party. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors approved the temporary closing.

**E. Shiloh Road Repair.**

Mr. Layman stated that Mr. Gross, Township Roadmaster, did not approve the recent work done on Shiloh Road therefore the Township could not send a letter to the School District approving the job. He stated that the Roadmaster and Township Engineer had met with Alan Myers last week and discussed what additional work had to be done. Once the road repairs are completed to the Township's satisfaction a letter will be sent advising the District that Alan Myers could be paid.

Mr. Foster made a motion, seconded by Mr. Barber, that once the work on Shiloh Road is completed to the Township's satisfaction, a letter will be sent to the District approving payment to Alan Myers. Ms. De Wolf asked for public comment. There was no public comment. The Board unanimously approved the motion.

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

There was no public comment.

**IX. Payment of Bills.**

On the motion of Mr. Foster, seconded by Mr. Barber, the Board of Supervisors unanimously approved the bills as presented.

**X. Adjournment.**

On the motion of Mr. Foster, seconded by Mr. Barber, the Board of Supervisors unanimously adjourned the meeting at 9:09 Pm

Respectfully Submitted,  
Robert Layman,  
Township Manager

