

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
SMITH MANSION OAKBOURNE PARK, 1014 SOUTH CONCORD ROAD  
February 20, 2007, 7:30Pm

In attendance were Supervisors Chair Carol R. De Wolf, Vice Chairman Thomas A. Foster, and Charles P. Barber Police Commissioner; Township Manager Robert Layman; Township Planning Commissioner Chairman Kevin Flynn; and Westtown-East Goshen Police Sergeant Richard Gorman. There were twelve guests in attendance.

**I. Call to Order.**

As there was a quorum present Chair De Wolf called the meeting to order at 7:33 PM and led those present in the pledge of allegiance.

**II. Approval of Minutes (February 5, 2007 Regular Meeting).**

Mr. Barber made a motion, seconded by Mr. Foster, to approve the minutes of the February 5, 2007 regular meeting. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes of the February 5, 2007 regular meeting as presented.

**III. Departmental Reports.**

**A. Township Solicitor – Robert F. Adams.**

**1. Adopt Ordinance 2007-2 Article III Realty Transfer Tax Chapter 154 of the Code of Westtown Township.**

Mr. Adams stated that Township needs to amend its ordinance to comply with State Act 40 of 2005 in order to create uniformity with the Commonwealth realty transfer tax laws and regulations.

Mr. Barber made a motion, seconded by Mr. Foster, to adopt Ordinance 2007-2 amending Article III Realty Transfer Tax Chapter 154 of the Code of Westtown Township. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted Ordinance 2007-2.

**B. Westtown-East Goshen Police Department – Sergeant Richard Gorman.**

Sergeant Gorman reviewed the January Police Report. Mr. Barber asked about the citations issued for Shiloh Road. Sergeant Gorman responded that the traffic unit has been patrolling Shiloh Road because of the speeding complaints. He also stated that there is a police detail assigned to the School District to handle problems that arise in the schools. Mr. Foster asked about the Police Honor Guard. Sergeant Gorman stated that WEGO's Honor Guard is much respected in the area and asked to attend various functions such as retirements.

**C. Planning Commission – Kevin Flynn.**

Mr. Flynn reported that the Commission will continue discussion of the amendments to the A/C district at this weeks meeting. The Commission has received the latest revisions from Mr. Snook and hope to have the amendments completed by the March 7, 2007 meeting.

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

Ms. De Wolf announced that Mrs. Emma Pavelchek, wife of Walter Pavelchek had passed away over the weekend. She asked that the Township and Community be supportive to Mr. Pavelchek during this time as he has contributed to and served the Township well for many years.

The following residents were in attendance to speak to the issue of stadium lighting at the Bayard Rustin High School: Gary Bevilacqua, 109 Macroom Avenue; Dean and Linda Wesley, 218 Baywood Road; Chris Liacouras, 1010 Dogwood Lane; and Joseph Walsh, 620 Oakbourne Road.

Mr. Bevilacqua, representing the Bayard Rustin High School Parent Boosters, said they are interested in having lights at the stadium but under the Township Zoning Ordinance the lights can not be over 20' in height. He stated that they are representing the children's interest in having field lights. He has e-mailed the Township concerning this and has also made requests to the School District for lights. They are approaching the Township this evening as residents to see if lights are feasible and to determine what concerns the Board of Supervisors have on this issue. Mr. Adams asked if they have researched the lighting and have any written materials they could present to the Board. Mr. Bevilacqua responded that he has done research and there is improved technology in lighting which decreases the glare and spillage off the field. The lighting cannot be seen in the stands and is only reflected on the field. They would need to install four towers 80' in height. He stated that the height of the lights is the only requirement in section 170 of the Township Zoning Ordinance that would require a variance. Mr. Barber said that at the present time the Township has a problem with WCASD concerning the sewer system at the high school and asked that the residents address this issue with the District before being concerned about lighting especially since the fields have not been dedicated. Mr. Bevilacqua said it is his understanding that the fields will be dedicated in the spring. Mr. Foster stated that the District would be the applicant for any field lighting and when the Board spoke to them several months ago it was stated that they were not interested in pursuing lights. Mr. Bevilacqua said it was felt that coming to the Board on behalf of the children was the best way to approach the issue. When we have the Board's thoughts we will go to the District. Ms. De Wolf expressed strongly that this has potential negatives as you are putting the children in the middle of a battlefield. You only have to look at the issue of the band. She stated that she feels it is wrong to put the children in the middle of these debates as you may be seeking lights for their activities but it is wrong to place them forward for your initiative as they can be harmed in the process. She asked that they not bring the children into any lighting debate. Mr. Liacouras said children coming from other schools where they have lights do not understand why Rustin does not have them. Ms. De Wolf said there are many issues with a new school and lighting maybe one of them but this is a District issue. Mr. Barber said he would like to address some of the problems that would be created in the surrounding neighborhoods by having night time events. Such as increased traffic which would result in additional police protection. Mr. Bevilacqua said a survey could be done in the neighborhoods on how they feel about traffic, lights and night time activities. Mr. Foster said the history of this issue is important as a few years ago there was a strong out cry by the residents against lights. Mr. Bevilacqua said there are two issues; then and now. Now there is a need for lights as the children have a place to go for activities. Ms. De Wolf said we have your comments on the record but this is not a new issue as it was discussed with the planning of the new high school.

Mr. Flynn said in the past ten years that he has served on the Planning Commission this issue has come up at five or six meetings and the feeling of the Township has been that stadium lighting is not appropriate in a residential neighborhood. Mr. Adams said the Conditional Use Agreement would need to be reviewed and he was not sure if the District would want to pursue a variance to the Conditional Use as it would be a difficult case. Mr. Adams also stated that he does not speak for the Board and they will have to review this issue. Ms. De Wolf said the District would have to work with the Board on this and asked again that the children be kept out of this issue.

**V. Old Business:**

Mr. Foster asked when the Stokes Assembly Hall will be available for meetings as the mold issue has been going on since last July. He asked that Mr. Layman express to Mr. Garrison that settlement of this issue is moving too slowly. Mr. Layman said he will be meeting with Mr. Garrison this week to move forward with the litigation. Mr. Adams stated that they would like to

resolve this without using public funds. He stated that the Township is committed to repairing the damage and then moving forward with litigation.

**VI. New Business:**

**A. Approve Escrow Release No.13 Tract 2001-5 McCawley Jefferson At Westtown Malvern Bank in The Amount of \$46,121.49.**

Ms. De Wolf stated that Chester Valley Engineers has reviewed the request and recommends the release.

Mr. Barber made a motion, seconded by Mr. Foster, to approve escrow release No.13 Tract 2001-5 McCawley Jefferson At Westtown Malvern Bank in the amount of \$46,121.49. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the release.

Mr. Foster asked about Mr. McCawley's request to release the escrow that the Township has been holding for the "Fountain" in the jughandle. Mr. Adams stated that the escrow could be released if the Board is not in favor of having the fountain. Mr. Layman will review the escrow request.

**B. Approve Escrow Release No. 20 Tract 2002-8 SS. Simon & Jude in the Amount of \$46,779.32.**

Ms. De Wolf stated that as there are several outstanding items the escrow will be approved with conditions.

Mr. Barber made a motion, seconded by Mr. Foster, to approve escrow release No. 20 Tract 2002 -8 SS. Simon & Jude in the amount of \$46,779.32 conditioned on the completion of the following items: all inspections bills being paid, an 18 month stormwater maintenance agreement in the amount of \$25,324.14 and a deed of dedication to the Township for the sanitary sewer main. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release. Mr. Layman will contact Mr. Avellino and advise him of the conditions of the release.

**C. Approve Field Use Agreements East Side Little League and West Chester United Soccer Club.**

Ms. De Wolf stated that the lease agreements are for three years with the following conditions added to the lease: The leagues will pay a lease fee of \$1,000 for the three year period. The leagues will pay a fine for any trash/debris removed from the fields by Township personnel. Both leagues will share the cost of any water usage incurred at the fields.

Mr. Barber made a motion, seconded by Ms. De Wolf, to approve the field usage agreements with East Side Little League and West Chester United Soccer as conditioned. Ms. De Wolf asked for public comment.

Mr. Bevilacqua, Vice Chairman, West Chester United Soccer Club, said he did submit some generic changes in the language of the lease to Mr. Layman and did not see those reflected in the lease. Mr. Adams said he reviewed both leases but did not see Mr. Bevilacqua's changes. Mr. Layman stated that East Side Little League has signed the agreement and paid their \$1,000.

Mr. Foster said he has problems with both agreements. He feels the agreements are not in the best interest of the tax payers as the leagues have basically sole use of the fields. He also stated that in information that he has received only 20% of the membership is from Westtown. The Township spent \$250,000 for the construction of the fields with the understanding that the leagues would have sole maintenance of the fields. The Township has never received any financial benefit for the usage. The leagues get substantial

financial support from their membership fees and have used the lease payment now required by the Township as a reason to raise their fees. He stated he feels the Township is receiving only a token payment but added that he does support the concept of the leagues but feels they are not being fair with the Township.

Mr. Bevilacqua said West Chester United Soccer Club installed a \$6,500 fence at there own expense around the soccer field. They also let other clubs used their fields and they have over 600 members from Westtown whose parents pay taxes to the Township. Ms. De Wolf stated that she supports having activities in Westtown for our children as well as children from other municipalities. Mr. Foster said other municipalities are facing this issue and are charging the leagues.

The Board of Supervisors, on a vote of two yeas and one nay, approved the leases with East Side Little League and West Chester United Soccer Club. The lease with West Chester United Soccer Club is conditioned on approval by the Township of the changes submitted by Mr. Bevilacqua.

**D. Grant Preliminary/Final Plan Approval Tract 2006-7 Stetson Middle School.**

Justin Linette, Project Engineer, and James Whitesel, representing West Chester Area School District were in attendance.

Mr. Linette stated that they have agreed to all the conditions of the Township Engineer's letter of February 14, 2007 except for the request for financial security for the stormwater improvements. Mr. Whitesel said he does not understand the need for security between two public entities even though he is aware of the issues with Bayard Rustin High School. Ms. De Wolf stated that is the reason the Township is requiring financial security. Mr. Adams said he always requires security. As the District has taxing authority the security could be waive as it adds expense to a public project. Because of the problems with the high school the Board, however, is more comfortable requiring security.

Mr. Barber made a motion, seconded by Mr. Foster, to grant preliminary/Final Plan approval for Tract 2006-7 Stetson Middle School conditioned on the Township Engineer's letter of February 14, 2007, the Township Fire Marshal's letter of January 17, 2007 and the Planning Commissions letter of February 12, 2007. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously granted preliminary/final plan approval.

Mr. Flynn said he had a concern that was not related to this project. He stated that Mr. Steele mentioned at a Planning Commission meeting that there was a runoff from Stetson onto his and his neighbor's property and asked if this had been addressed. Mr. Whitesel said he has met with Mr. Steele and Mr. Albrecht. He stated there is a swale in the woods which runs into a storm drain but old trees have fallen into the swale and need to be removed. They will be clearing out the swale and this should correct the problem and will satisfy the residents.

**VII. Public Comment (All Topics).**

There was no public comment.

**VIII. Payment of Bills.**

On the motion of Mr. Foster, seconded by Mr. Barber, the Board of Supervisors unanimously approved payment of the bills with the exception of a \$40.00 to payment to Mr. Agulnick.

**IX. Adjournment.**

On the motion of Mr. Foster, seconded by Mr. Barber, the meeting was unanimously adjourned at 8:50 Pm.

Respectfully Submitted, Robert Layman, Township Manager

