

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Township Municipal Building, Stokes Assembly Hall, 1039 Wilmington Pike
August 6, 7:30PM

In attendance were Supervisors Chair Carol De Wolf, Vice-Chair Thomas A. Foster and Police Commissioner Charles Barber; Township Manager Robert Layman; Township Building Inspector John Wilson; Township Roadmaster Mark S. Gross; Planning Commission member Elaine L. Adler. There were fourteen guests in attendance.

I. Call to Order.

As there was a quorum present Chair De Wolf led those present in the Pledge of Allegiance and called the meeting to order (7:39PM).

II. Approval of Minutes (July 16, 2007 Regular Meeting).

Mr. Foster made a motion, seconded by Mr. Barber to approve the minutes of the July 16, 2007 regular meeting. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as corrected. (Page 6 fifth paragraph last sentence should read "She stated.....is why have public sewer if we don't have to").

III. Departmental Reports.

A. Township Building Inspector – John Wilson.

Mr. Wilson reported that July was an average month for permits with one new permit for a single family residence on Oakbourne Road. He stated that the renovation and refinishing of the floors in the Smith Mansion is almost completed. He also stated that the contractor did an outstanding job and the cost for the work was under budget.

B. Township Roadmaster - Mark Gross.

Mr. Gross stated that the Road Department continued with pot holes and stormwater repairs in July. He stated that a concrete inlet on Elk Lane, which needed repair, has been replaced with a pre cast inlet. This will make it easier for Mr. Ceritano to connect to the inlet when he corrects the drainage problem affecting his neighbor's property. Mr. Foster asked when Mr. Ceritano would be doing the work. Mr. Layman responded within the next two weeks. Mr. Gross said the roads that will be repaved this year have been marked for base repair but he does not have a start date as yet from the contractor. He also stated that he has videotaped Shiloh Road in order to have a pre-construction record of the road. He reported that six dead trees have been removed at the treatment plant and six will be removed at Oakbourne Park. Mr. Foster asked if the cost of the tree removal was a bid. Mr. Gross responded yes; the cost at the plant was \$1500 and at the park \$3500. Future projects for the Road Department will be replacement of the inlet pipe on Little Shiloh Road at Hummingbird Lane. The cost of the replacement will be shared with PennDOT. They will do the work with our help. Mr. Gross also reported that he has two quotes for resurfacing of the Tennis Courts. Ms. De Wolf asked if a tour of Township Roads could be scheduled for the end of September.

B. Township Planning Commission – Elaine L. Adler,

Mrs. Adler reported on the July 18th Planning Commission Meeting. She stated that for the past few months the Commission has been working on the WaWa and Swiss Farms plans. The review of Swiss Farms has been completed and the Board will be receiving the Commission's recommendation for plan approval. The applicant had submitted the plan as preliminary and is requesting preliminary/final plan approval as they have met the conditions for final approval. The applicant will submit a letter to the Board with this request. Mrs. Adler stated that there are no

regulations in our zoning ordinance that address parking for a drive thru retail store. The applicant used the regulations for retail that pertain to the number of parking spaces for an area that is accessible to customers. They will have five parking spaces which is more than the total number of employees on site at one time. Also, the customers do not access the interior of the store as they cannot go into the building. The Planning Commission feels that this is acceptable. Mrs. Adler advised the Board that they have the power in the zoning ordinance to choose what standards they wish to use. The Planning Commission is recommending that the Board use the standards the applicant has chosen. Ms. De Wolf said that there are some Swiss Farm stores that you can go in and make purchases. Mrs. Adler said there will be no interior area accessible to customers. Mr. Foster asked if the issue of access into Market Place has been resolved. Mrs. Adler said the Fire Marshal feels this should remain opened for an emergency exit. There will be new signage and stripping to try and keep it from being used by just anyone. - Mrs. Adler stated at this week's meeting the Commission will continue review of WaWa. The issues remaining are the size of the sign on Manley Road and the widening of Manley Road. She stated that Mr. Gross presented a power point presentation with his concerns at the last meeting. Mrs. Adler stated he is concerned with the widening of Manley Road and allowing a left turn lane further west on Manley Road. Mr. Gross is also concerned that the traffic that backs up at the intersection of Route 352 and Manley Road would extend past the proposed entrance to WaWa. Mr. Gross has suggested that the applicant might reconsider the entrance location but this presents internal circulation problems. Mrs. Adler stated that there are also issues with how much curbing should be done on Manley Road and issues with stormwater. She stated that East Goshen has presented these concerns in two letters to our Board and that members from East Goshen's Planning Commission who have attended our meetings also expressed these concerns. Mrs. Adler said there is also the question as to who will be responsible for the revised traffic signal at Route 3.

IV. Public Comment Non-Agenda Items.

John Jaros, representing Presby Homes, stated that after meeting with the Board of Supervisors at a work session on July 11th, the applicant's preference for proceeding was to put the zoning on hold and proceed with the Conditional Use Application in order to have the CCRC on record. He stated he has spoken to Mr. Adams and Mr. Layman concerning this. Ms. De Wolf said the Board has not had an opportunity to address this. Mr. Foster said he has spoken to Mr. Layman concerning this and would be favorable to proceeding in that direction but only if the Board has certain assurances for the other aspects of Crebilly. and that he could only speak for himself not the other Board members. Ms. De Wolf said the Board cannot address this at this time. Mr. Jaros stated that his client has certain contractual obligations and he is compelled to report to Presby Homes on how they are going to proceed with the project. Mr. Foster advised Mr. Jaros that he felt the Board would have a decision for him by their August 23rd meeting. Mr. Jaros said our client is very anxious to start the project and implored the Board to have an answer by the 23rd.

Wilbur Yocum, 127 E. Hilltop Road, asked if his complaint about the drainage ditch near his home had been addressed. Mr. Gross responded that the area in question is not in a Township easement but as the concrete is deteriorating the Township would repair the endwall. Mr. Yocum stated that on June 26th someone was in the neighborhood at night soliciting for Terminix. The police were called but no officer ever showed up. Ms. De Wolf asked how he knew that an officer had not come. Mr. Yocum responded that no one saw the police arrive. Mr. Barber will address this concern.

Bill Roth, 119 E. Hilltop Road, asked what the time limitation is on a solicitor's permit. Mr. Layman stated that there are time limits on a solicitors permit and they must show you a "green card" as proof that they have permission to solicit. He also stated that as he did not sign a permit for Terminix they do not have permission to solicit.

V. Old Business.

There was no old business at this time.

VI. New Business.

A. Approve Conditional Use Fair Share Properties – Orvis Tract.

Ms. De Wolf stated that the Board held a Conditional Use for Fair Share Properties on May 21st and June 18th. She stated that Mr. Adams has prepared the Decision for the Board. She asked if the Board had any comments on the Decision and if not then a motion to approve the decision would be in order.

Mr. Foster made a motion, seconded by Mr. Barber, to approve the Conditional Use for Fair Share Properties as written. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the Decision. (Copies of the Conditional Use are available at the Township Office).

B. Approve URS Proposal On-Lot Management Systems.

Ms. De Wolf stated that the Board had reviewed URS's proposal for On-Lot Management. The proposal includes the following: preparing the On-Lot Management Ordinance, inspection program set up, preparing a GIS data base program, and public education. The cost of the proposal is \$40,700 and is not to exceed that amount. Ms. De Wolf stated that she does not have concerns about the program but is concerned about the cost. The cost for an on lot program in October 2006 was \$13,800 and even though the program has been expanded the cost has gone up significantly. Ms. De Wolf stated she feels that the Township needs to move forward but need to watch what is being spent and also to better define the tasks that may or may not be included. She said she would like to have more opportunity to discuss this with the Board. Mr. Foster stated that we have to move forward and can continue discussions after the program is approved. The previous cost of \$13,000 was for a very modest program that did not reflect the direction the Board is now taking in determining problem areas. Ms. De Wolf said we are gathering much more intensive data and asked Stan Corbett, from URS to explain the inspection parameters. Mr. Corbett stated that there are various levels of inspections that can be done on sewer systems. The inspections will be to the level of the PSMA (Pennsylvania Septic Management Association) a volunteer organization which has defined protocol for inspections of sewage systems. The protocol is very stringent and involves probing each drain field to determine how much standing water is there. The amount of standing water shows how close a system is to failing. This is a starting point to give the Township the level of detail it needs for planning the long term sewer needs in each neighborhood. Ms. De Wolf said this is a very assertive program and will start immediately with preparation of the ordinance and inspection program.

Bill Roth, Westtown Farms, read a letter that he asked to be part of the record. (attached). He stated that he did not think that it would take a rocket scientist and \$40,000 to come up with the information the Chester County Health Department already has and that the certified firms that pump septic systems have documentation of the properties they pump. Mr. Roth said there is nothing wrong with having an on-site system especially with the new available technology. He stated once again we are given numbers without any detail.

Ms. De Wolf asked Mr. Roth if he had contacted the office before the meeting and was given the numbers as she had just presented them. Mr. Roth responded no he just now heard the numbers. Ms. De Wolf said the Board had a long discussion in the workshop and feel the data that will be received will be helpful but some might be overkill and stated that the Board needs to better define what will be needed.

Mr. Roth said he does not want a situation where he feels that URS is not being monitored for cost and the residents have no representation. Ms. De Wolf advised Mr. Roth that URS is not being hired to do the inspections only to set up the program. Mr. Roth stated that homeowners have documentation on their systems. Mr. Foster said if you pump every two or three years you just get a piece of paper and that certifications are not going to help determine where the problems are going to be in the next five or ten years from now. He assured Mr. Roth that the Township is going to hire an outside firm to do the actual inspections. URS is to set up the program for gathering and tracking of the data received from the inspections.

Mr. Roth stated that their development was misrepresented in the sewer project as there are no streams or flow problems and their land is suitable for perking. Ms. De Wolf said she understands what Mr. Roth is saying and the character of the soil will be defined in the GIS information. Mr. Roth stated that URS never presented this information. Mr. Foster responded that this is what on-lot management is about as it will provide the level of detail that was absent

before. Mr. Roth said if the Township is going to trust URS there will be problems again. Ms. De Wolf stated that the Township is not just relying on URS.

Mr. Foster made a motion, seconded by Mr. Barber, to accept the URS Proposal for development of an On-lot Management System, with the cost not to exceed \$40,700. Ms. De Wolf, stated for the record, that the Board needs to better define the fees and what the tasks will be as discussed in the work shop. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the proposal as stated.

C. Approve Advertising of Ordinance 2007-6 Sidewalk Ordinance.

Ms. De Wolf asked if the proposed ordinance is to establish the responsibility of the homeowners for sidewalks. Mr. Layman responded that the ordinance establishes the ownership of the sidewalks and also the responsibility. He stated that he is only asking for approval to advertise the ordinance. Mr. Wilson asked if the ordinance would include any specifications for repair of or construction of the sidewalks. Mr. Layman stated that there would be some details such as the time frame after a snow storm that the sidewalk would need to be shoveled. Mr. Gross said he had addressed, in an email to Mr. Layman, that there should be specifications in the ordinance that Mr. Wilson can follow for replacement of sidewalks. If sidewalks are part of the re-sale inspection there should be specifications that the sidewalk is replaced in kind. After some discussion this item was tabled for further review.

C. Appointment of Kristine Lisi to the Parks Advisory Group.

Ms. De Wolf stated that the Board feels Ms. Lisi has the qualifications that are needed for the Parks Advisory Group and welcomed her as a new member.

Mr. Foster made a motion, seconded by Mr. Barber, to appoint Kristine Lisi to the Parks Advisory Group. Ms. De Wolf asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the appointment.

VII. Public Comment (all topics).

Charles MacIntyre, 1555 Carmac Road, asked who manages the Westtown-Chester Creek plant. Mr. Foster responded the plant is managed by a full time employee. Mr. Gross also responded to the question and stated that American Water Services is contracted to cover the plant operation after normal working hours and on weekends. Mr. MacIntyre asked if the sewer plant was profitable and, if not, why not sell the plant. Mr. Gross responded that it is not profitable. Mr. Foster stated that the Township is looking to possibly sell the plant. Ms. De Wolf said they would not want that to happen without the Township maintaining some control. Mr. Foster said the Township is working toward that goal.

John Lain, 1540 Johnny's Way, stated that when one home in a community has a problem with their septic system and cannot solve the problem the whole community suffers. If it is your neighbor it means more to you. Mr. Lain stated that there is technology in Europe now that should be used in this country. Mr. Lain asked if the Chester County Health Department is involved in our planning process as they have people who are trained and knowledgeable in this process. Ms. De Wolf said the health department has a list of appropriate people that we will get from them. Mr. Lain said is URS not going to do the inspections? Ms. De Wolf said the Township will be hiring an outside firm.

Mr. Roth said he feels that Mr. Foster has a dislike of all on-site septic systems. He asked Mr. Foster if he was opposed to having systems pumped every two years. Mr. Foster responded he has an on-site system which he has pumped once a year. He stated that he has no aversion whatsoever to on-lot systems but what he has is a problem with failing systems in the Township that residents are not aware of or will not admit to. Mr. Foster stated that having your system pumped does not give enough information or detail that is why we are going with the on-lot management program. Mr. Foster also stated that an independent firm will be doing the inspections.

VIII. Payment of Bills.

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

IX Adjournment.

On the motion of Mr. Foster, seconded by Mr. Barber, the meeting was adjourned at 9:54 Pm.

Respectfully Submitted,
Robert Layman,
Township Manager