

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
April 17, 2006 7:30Pm

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

I. Call to Order.

As there was a quorum present Chairman Foster called the meeting to order and led those present in the pledge of allegiance.

II. Approval of Minutes (March 6, 2006 Regular Meeting).

On the motion of Mr. Barber, seconded by Ms. DeWolf, the Board of Supervisors unanimously approved the minutes of March 6, 2006 as corrected.(Page 2 Section III:D second paragraph-change to "Mr. Upton stated"; change grant funding to "how to acquire funds"; Page 3 Section IV: second paragraph change too Ms. De Wolf said to "although you feel that stop signs may be helpful in certain situations, it actually creates more problems. This is the reason the Township does studies to see whether stop signs are appropriate in certain locations").

III. Departmental Reports.

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

Chief Dumond reviewed the March Police Report. Chief stated the Department is investigating a robbery at Commerce Bank, and burglaries in Pleasant Grove and Chesterfield. Chief Dumond reported that forty residents attended the Police Open House on April 8th. Mr. Foster thanked Chief Dumond for holding the open house. Ms. De Wolf asked that the Department monitor the speeding on Matlack Street in the area of the Wedgewood Swim Club, especially in the summer months.

In attendance representing the Police Commission were Commissioners Carol De Wolf and Carmen Battavio. Chief Dumond stated at this time he would like to present the Officer of the Year Award to Officer Dave Leahy. He explained that this award is voted by the recipient's fellow officers. The award is for dedication, loyalty to the Department, and overall performance. Officer Leahy thanked Chief Dumond for the award and stated that the best part of receiving this award is that it comes from his fellow officers.

B. Township Planning Commission- Jeff House.

Mr. House reported on the April 5th, 2006 Planning Commission Meeting. He stated that Mr. Orsini was present, representing Westtown Mews, to discuss with the Planning Commission the possibility of subdividing and selling a small piece of the Mews property to Reich's Texaco Station. This would allow the gas station to have better access onto Manley Road. Westtown Mews would also like to add additional parking spaces for the residents but this would increase the impervious coverage of an already non-conforming lot. Mr. House said the Commission continued to discuss the zoning revisions in relation to the A/C district. He stated the Commission would like to have a joint working session with the Board of Supervisors to explore how to proceed with the proposed revisions. He stated that Mr. Layman had asked that the Commission consider the possibility of requiring, for safety reasons, fencing around stormwater detention basins. The Township Engineer was directed to research this issue.

Mr. House reported on the West Chester Regional Planning Commission Meeting which he and Mr. Pavelchek had attended. He stated that PennDOT has drastically reduced the funding for Section 100 of Route 202. PennDOT is continuing with the engineering studies but will not start work on any improvements in the next seven years. Mr. House said WCRPC would like the support of the Municipalities in asking PennDOT to allocate funds for improvements to the intersections of Matlack Street and Route 202 and Routes 926 and 202; improvements that are needed now. The cost of these improvements would be minor compared to improving all of Section 100. Mr. Foster asked if an overpass is still planned for Routes 926 and 202. Mr. House said this is still being resolved as there is one historic property at this location.

C. Financial Report – Robert Layman.

Mr. Layman reviewed the March Financial Report. He stated that Township is in good financial condition at this time. He reported that because of the mild winter the expenses for snow plowing were less than expected. The Township Building Inspector has completed his certification for plan review which will help reduce expenditures in the building department.

IV. Public Comment-Non Agenda Items.

Rosemarie Coghlan, 903 Elk Lane, reviewed with the Board an ongoing water runoff problem she has had on her property since May of 2003. She stated that her neighbor Mr. Ceritano, 905 Elk Lane, without acquiring the proper permits, re-graded his back lot, removed bushes and trees and installed a pipe that is routing water to the street and ultimately in front of her property. This has caused a build up of ice in the winter which the Township Road Department had to continually salt. He also installed a drain in his side yard that directs water onto her property. Mrs. Coghlan said she first notified the Township about this situation in 2003. A cease and desist order was issued by the Township to Mr. Ceritano in November 2003 which he ignored. Mrs. Coghlan said she hired a lawyer in 2004 with the intent to work with the Township to rectify this problem. The Township, through District Court issued an enforcement proceeding which was rescinded when Mr. Ceritano's Engineer presented a remediation plan. Mrs. Coghlan stated as of this date nothing has been done and insisted that the work be done by the Township or a disinterested contractor, not Mr. Ceritano. Mr. Adams said he has been in contract with Mr. McAndrews, lawyer for Mrs. Coghlan, and they are in agreement on the basic issues. Mr. Adams said there is an identifiable, agreeable solution to fixing the problem and that is to pipe water to an inlet in front of Mr. Ceritano's property. Mr. Foster asked why is the burden not on Mr. Ceritano to correct this problem. Mr. Adams stated that as the water has been directed to a Township Road the Township has the responsibility to correct the situation. Mr. Adams advised the Board that the Township could again issued proceedings against Mr. Ceritano in District Court where he would be fined for each day he did not correct the situation. Ms. De Wolf asked if there is an estimate for the work that needs to be done. Mr. Adams stated that Mr. Capuzzi had prepared a cost estimate as he was the Township Engineer at the time this issue was first presented. Mr. Adams also stated that most of the work could be done in the road right of way but the Township would need consent from Mr. Ceritano for any work to be done on his property. Mr. Foster advised Mr. Adams to move forward on this issue. Mr. Adams thanked Mrs. Coghlan for her patience on this matter.

John Mezzanotte, Attorney for Westtown School, stated that the School would like to move forward with their sewage planning module for the new faculty housing on Westtown Road. The planning module provides for the sewage to be pumped. He asked that the Board accept and sign a Management and Oversight Agreement which is part of the sewage planning module. This is a general agreement that requires the School to provide reports to the Township, access to inspect the sewage facilities and to take remedial action, if necessary, after notification to the School. Mr. Foster stated that the Board did not see the agreement until this afternoon and are not prepared to sign anything this evening. He stated the Board will be meeting with Westtown School representatives on Friday, April 21st, and would like to discuss the details of the agreement at that time. Ms. De Wolf questioned if this is a pump and haul operation why has a grinder pump been mentioned. She said she is unwilling to take action until she fully understands what she will be approving. Mr. Foster said there are a number of issues concerning the sewage operation that the Board does not understand and would like more information before they sign a general

agreement. Mr. Adams advised Mr. Mezzanotte that it appears the Board is not comfortable making a decision at this time. He suggested that this be tabled until the May 1st meeting. Mr. Foster said the Board should have a decision at that time.

Jeff House stated that the plan for the faculty housing was contrived to fit on less than an acre so a review by the Chester County Conservation District would not be necessary. The plan was approved with the understanding that it would be a pump and haul operation. If a pump station is to be constructed the property needs to be re-assessed to make sure it still meets the requirement of less than one acre. Ms. De Wolf said she is not sure if it is to be a pumping station or a grinder pump situation.

V. Old Business:

A. Grant Preliminary Land Development Approval for Tract 2004-3 Sharon Bank.

Michael Gill, Attorney, and Martin Eustace, Engineer, were in attendance for Sharon Bank. Mr. Gill stated the only outstanding issue to be resolved from the April 3rd meeting was the widening of Green Lane to accommodate a future left turn lane. He stated that Mr. Pingar, Township Engineer, reviewed the plans for the stormwater management system and suggested reducing the size of the system by two chambers. This will allow the rain tank to be moved further from the right-of-way. Mr. Gill said as this will reduce the cost of installing the system the cost savings would go to the road widening relieving the Township of sharing the cost. He stated in order to do this the Board would have to grant a waiver from the Stormwater Ordinance releasing a 100 year stormwater event in the post development state to a value of approximately 90% of the pre-development state. Mr. Gill stated that this proposal has been discussed with the Township. Mr. Foster asked about the riparian buffer area where trash has accumulated. Mr. Gill said that he has spoken to the applicant and they will address the issue. Mr. Foster asked as there is no vegetation in this area could plantings be done now. Mr. Eustace said he would speak to Mr. Pingar about a planting schedule. Mr. Barber asked how many utility poles would have to be moved. Mr. Eustace responded there are two that would need to be moved.

Ms. De Wolf made a motion, seconded by Mr. Barber, to grant preliminary land development approval for Tract 2004-3 Sharon Bank conditioned on Sharon Bank paying the full cost of the widening of Green Lane and the granting of a waiver by the Township from the Stormwater Management Ordinance releasing the 100 year stormwater event in the post development state to a value of approximately 90% of the pre-developed state. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously granted preliminary land development approval for Tract 2004-3 Sharon Bank.

VI. New Business:

A. Approve Payment Certificate No. 3 (Final Bayard Rustin High School Sanitary Sewer Extension in The Amount of \$5,750.00.

This item was tabled for further review.

B. Approve Escrow Release No. 7 Tract 2003-10 Arborview in the Amount of \$172,699.20.

Mr. Foster stated that the Township Engineer has reviewed the release and recommends approval.

Ms. De Wolf, made a motion, seconded by Mr. Barber, to approve escrow release No. 7 Tract 2003-10 Arborview in the amount of \$172,699.20. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release.

C. Approve Police Station Payment Application No. 12 Cooks Service Co in the Amount of \$8,670.27.

This item was tabled.

D. Authorization to Execute Planning Module for Gaudenzia.

Mr. Layman advised the Board that Mr. Gross has inspected the sewer line at Gaudenzia and no problems were found.

Ms. DeWolf made a motion, seconded by Mr. Barber, to authorize ratification of Gaudenzia's Planning Module as long as the easements are in order and all requirements have been met. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved execution of the Planning Module as conditioned.

VI. Public Comment.

There was no public comment.

VIII. 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.

IX. Adjournment.

On the motion of Mr. Barber, seconded by Ms. De Wolf, the meeting was unanimously adjourned.

Respectfully Submitted,
Robert Layman,
Township Manager