

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
May 15, 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 Kevin Flynn; and Westtown-East Goshen Police Sergeant William Cahill. There were eighteen 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.

Mr. Foster recognized State Representative Tom Killion who was in attendance at the meeting.

II. Approval of Minutes (May 1, 2006 Regular Meeting).

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the minutes of the May 1, 2006 regular meeting. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes of the May 1, 2006 regular meeting.

III. Departmental Reports.

A. Westtown-East Goshen Police – Sergeant William Cahill.

Sergeant Cahill reported on the Police Activities for Westtown for the month of April. He stated that there was a robbery at the Commerce Bank at the Westtown Village Shopping Center which is under investigation. A second robbery was planned for the same bank but due to an informant the Department was able to arrest a suspect before the robbery took place.

B. Township Planning Commission- Chairman Kevin Flynn.

Mr. Flynn announced that this weeks Planning Commission meeting has been canceled. He reported on the May 3rd, 2006 meeting. He stated that the amendments to the Planning Commission's By-Laws will be adopted at the June 7th, 2006 meeting. The Commission continued discussion of fencing of retention basins. Mr. Adams has been asked to review ordinances of other municipalities concerning this issue and the Chester County Planning Commission has also been asked for their input. Mr. Flynn would like the Township to look into the computer software needed for the electronic submission of plans. Ms. De Wolf asked that this be reviewed as this is a requirement in the Township Ordinance.

C. Financial Report – Robert Layman.

Mr. Layman reviewed the April Financial report. He stated revenues are over budget in some areas such as franchise fees. The wastewater expenditures are also up but should balance out by the end of the year. Mr. Foster asked if the Township has received any revenue from the Emergency Service Tax. Mr. Layman said only a small amount has been received as Berkheimer did not start collecting until the end of January since anyone affected by the tax had a right to appeal. He also stated that no one has appealed the tax which is a one time fee of \$52.00 for anyone who works in the Township. Ms. De Wolf asked how much revenue the Township will receive from the tax. She was advised that the Township should receive \$115,000.00.

IV. Public Comment-Non Agenda Items.

Alan Peppelman, 1140 Old Wilmington Pike, stated his concern that a church group has been soliciting funds at the intersection of Routes 202 and 926 creating a dangerous and annoying situation. Ms. De Wolf said she is aware of this and did check that they had a permit. Mrs. Greer said the permit is for 30 days but can be renewed after that time. As the church is a non-profit organization the Township cannot deny them a permit. Mrs. Greer stated that she did have the Police check that they are a legitimate organization. Mr. Adams said that this is a Police matter and a possible violation of the vehicle code. Mr. Foster asked that a letter be sent to the organization explaining the Township's concerns. Ms. De Wolf stated that she will address this at the Police Commission meeting this Thursday and advised Mr. Peppelman to attend the meeting and express his concerns.

V. Old Business:

There was no old business at this time.

VI. New Business:

A. Approve Proposal Town & Country Planning for Trail Study.

Mr. Sachs, Town and Country Planning, stated as requested at the May 1st meeting, he had prepared a scope of work and project budget for the Board of Supervisors. He also stated that Mr. Foster had expressed his concerns at the Parks Advisory Group meeting and would respond to those comments at this time. One of the questions concerned future liability. This will need to be discussed with the Township Solicitor and Insurance Carrier. A major concern was the implementation of the project. Mr. Sachs stated that the Township staff would have to take the lead on this and look into the funding and grants that are available for the implementation of trail plans. Mr. Sachs said the proposed plan would be more in depth and focused than the Township Growth Management Plan as it will prioritize what facilities would be most feasible, give cost estimates, suggestions on implementation, and additional input from the public. The facilities that would be addressed are: wilderness walking trails, paved pedestrian path ways, trails which would connect to other municipalities, bike trails (on and off road) and equestrian trails. Mr. Sachs stated that West Chester Area School District and Westtown School would be asked to participate in the project. Ms. De Wolf stated that they had been involved in the Growth Management Plan. She also stated that Mr. Sachs was addressing Mr. Foster's concerns not the concerns of the Board. Mr. Sachs advised Ms. De Wolf that he was aware of this.

Mr. Sachs continued review of Mr. Foster's concerns. He stated that the best way to fund the implementation of the trail project, without having to raise taxes or incurring debt is through federal and state grants. The plan he is proposing will provide the necessary information to apply for grants. He also stated there is a better chance of receiving grant funding if more than one municipality is involved in the plan. Mr. Sachs stated that maintaining and patrolling of the trails which are in Township road right of way could be included in regular Township road maintenance. Trails that are off road would involve additional costs. Mr. Sachs said the plan could possibly change the character of the Township as there are areas where lighting or sidewalks might be necessary. The Township has become more suburban and auto dependent but with implementation of a trail plan the Township could restore better mobility and a quality of life that was here when the Township was more rural.

Mr. Barber said he has had a personal experience with trails when his company was asked to provide a right-of-way for the Struble Trail through his property. He stated that the County would not cover any liability it would be the responsibility of the property owner. He feels that trails bring a different element into the community which can cause serious problems. Mr. Barber said he does not feel that trails should be on private property because of lack of the public's respect for other's property.

Ms. De Wolf said that “not in my backyard” has always been a planning issue. But, she stated, the residents want a place to walk or bike that is safe for them and their children so they do not have to drive from one neighborhood to another. Ms. De Wolf said she understands Mr. Barber’s concerns but the trails can be implemented on existing right-of ways so they do not have to be integrated into private property.

Mr. Sachs said Thornbury’s trail planning was through private property and the residents rejected the plan. He will be looking at using open space and existing road right-of ways in implementing Thornbury’s plan.

Ms. De Wolf said that Chester County has a regional bike plan and has a copy if anyone is interested. She stated that the Growth Management Plan should be our guide as the residents first priority was trails. She also stated regardless of how we feel personally we need to do this for our children’s future to make Westtown a livable community. This issue is no less important than installing public sewer or improving our roads.

Paul Coleman, 633 James Drive, member of Parks Advisory Group and Friends of Oakbourne, said he understands the concerns that have been presented. He stated that the proposed plan would be an objective assessment of all the issues and would allow input from the public. The trails could be done in existing rights-of-ways along with residents having the option of allowing or not allowing the trail on their property. Mr. Coleman stated that the Parks Advisory Group is behind the proposed planning and would support raising funds from both the public and private sectors. Mr. Coleman urged the Board to vote for the plan proposal. He thanked the Board for their time and consideration.

Larry Lucker, 104 Lockerbie Lane, stated both he and his neighborhood are supportive of trails in the Township. He stated we need to address the trail issue proactively and the proposed planning process is the best way to move forward with the project.

Mr. Barber asked if he understood correctly that Friends of Oakbourne would bear the cost of the project. Both Ms. De Wolf and Mr. Foster responded “no” but that the Friends would do fund raising efforts for implementation of the project.

Mr. Foster said he does not feel the real issue is the cost of the proposed planning but once planned how do you proceed and implement the plan. He stated even with grant funding the Township would have to pay at least 20% of the project and a bike trail would be costly. Ms. De Wolf said as we are moving forward with public sewer maybe now is the time to plan the location of the trails. The Growth Management plan is only part of the planning process and normal action requires additional planning to be able to acquire grants and funding for the project. She stated she feels it is shortsighted not to do the planning.

Don Verdiani, 103 Lockerbie Lane, said the Growth Management Plan survey indicated, as Ms. De Wolf stated, that the residents wanted trails. A trail map was prepared for the Growth Management Plan but as it was not collaborated with adjacent communities it does not show any connecting trail systems.

Walter Pavelchek, 1050 S. New Street, said Mr. Foster posed the main question; will the trails be implanted. The Township has trails now on Shiloh Road, S Concord, and Pleasant Grove which are not safe and stated that a plan should be prepared that will show the Township how to convert our current trails to safe use.

Ms. De Wolf made a motion to approve the proposal of Town and Country Planning conditioned on their letter of May 9th, 2006 with the Township’s share being 10% in the amount of \$3,718.00. Mr. Barber did not second the motion. Mr. Foster said he would second the motion, with trepidation, as there appears to be a groundswell of interest in taking this first step. Mr. Foster asked for public comment. There was no additional public comment. The Board of Supervisors on two votes for and one opposed accepted the proposal of Town and Country Planning.

B. Approve Escrow Release No. 8 Tract 2003-10 Arborview in The Amount of \$63,174.99.

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. 8 Tract 2003-10 Arborview in the amount of \$63,174.99. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release.

C. Approve Police Station Final Payment Application No. 13 G. Bass Co in the Amount of \$4,943.42.

Mr. Layman stated that the architect is recommending approval of the final payment application for Bass even though there are still three outstanding change orders that Bass refuses to sign. The payment is for work that has been completed and is in excess of that which would be covered by the change orders.

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve final payment application No. 13 G. Bass Co., in the amount of \$4,943.42. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the payment application.

D. Approve URS Sanitary Sewer Proposal for Inflow & Infiltration Study and Sanitary Sewer Capacity.

Mr. Foster stated that URS would be doing a study of the Township sewer lines to determine how much inflow and infiltration is affecting the capacity of the system.

Ms. De Wolf made a motion, seconded by Mr. Barber, to approve the URS Sanitary Sewer Proposal dated April 25, 2006. Mr. Foster asked for public comment.

Mr. Pavelchek asked about the cost of the project. Mr. Foster responded that it is estimated at \$163,000.00. Ted De Boda, URS, stated there are six phases in the study which include physical inspection, smoke testing, and close circuit TV of 25% of the system. This will determine the capacity, the areas which need repairs and develop a capital project plan for the system. Mr. Pavelchek stated that there was an extensive discussion concerning approving a \$3,700.00 payment and now a motion was just made where the cost was not even mentioned. He stated what goes on record is that on which you vote. Ms. De Wolf responded that she understood his comment and explained that this is the second public meeting where this has been discussed and the proposal has also been discussed in the Board's workshop. She reviewed the proposal and stated a copy is on file in the Township office. She also stated that the cost will not exceed \$163,000 without Board approval. Mr. Pavelchek said that this was not stated in the motion. Mr. Adams advised Mr. Pavelchek that the motion was entirely appropriate. The Board of Supervisors unanimously approved the URS Sanitary Sewer Proposal.

E. Trash/Recycling Study.

Mr. Verdiani stated that the purpose of the Recycling Committee was to look at options that would help increase the Township's recycling and control cost of the collection. The survey was mailed to 3100 residents and over 800 were returned or 26%. The survey showed that 95% of the residents are willing to consider a different option of collection with 5% not wanting a change. The survey also indicated that the residents would like a dumpster for cardboard at a convenient location in the Township. Leaf collection was also an issue with residents wanting Monday pickups. Mr. Verdiani stated because of the many comments made in the survey he feels the residents need to be better educated as to how our current collection works. He said from the Committee's research and the survey it is hard to decide on a course of action. If the Board of Supervisors is interested

in the Pay-per-Bag system he suggested the current contract be extended with A. J. Blosenski for another year to further pursue this option.

Paul Coleman said he understands that the School District is doing a fund raiser by collecting recycling. He stated that it needs to be explained in the newsletter how recycling helps with the cost of trash.

Elizabeth Montgomery-Lewis, 1000 Station Way, member of the Trash/Recycling Committee, stated she wanted to clarify why selecting your own hauler was not an option in the survey. She stated that when speaking with the haulers they indicated that the cost to the resident would be more for single contracts and would increase the amount of trucks on Township roads that are already in need of repairs. The main concern is with reporting of the recycling as the haulers would only be reporting a percentage of what was collected in Westtown. With one hauler the total amount of recycling collected is reported to the Township. Ms. Montgomery-Lewis stated A. J. Blosenski has indicated that they would be willing to place a dumpster for cardboard in the Township without additional cost to us. This is something that could be done now to help with recycling.

Mr. Foster said, as a pilot program, putting a cardboard dumpster at the Township Garage was discussed and he will pursue this issue. Mr. Foster said the Board would not be taking any action on the recycling program this evening. Ms. De Wolf thanked the Committee as their feedback was greatly appreciated.

Wendy Malloy, 312 Sissinghurst Drive, stated that the residents who selected the pay for bag option are two person households not ones with families. Ms. Malloy would like to have a private hauler or have the trash/recycling collection stay the same. She also stated she would be willing to pay more for twice a week collection.

F. Dedication of Sanitary Sewer Lines WCASD (Stetson-Starkweather Under Route 202)

Mr. Foster stated that when the sewer line was installed in 1991 it was apparently not dedicated to the Township by the School District at that time. As the Arborview subdivision will be using this sewer line it was recently discovered that the line was installed incorrectly. The Township has been meeting with the School District to resolve this issue but the District is denying responsibility. Mr. Foster stated that the Township is taking dedication of the line knowing that we are responsible for the repairs.

Ms. De Wolf made a motion, seconded by Mr. Barber, to accept dedication of the Stetson-Starkweather Sanitary Sewer line from the West Chester Area School District. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously accepted the dedication.

G. Approve Contract- Arron Enterprises – Sewer Line Route 202.

Mr. Foster stated as Arborview is ready to start sewer connections the repairs need to be made. He also stated that the Township has a legal obligation to have the work done. The cost of the contract is not to exceed \$92,000.00 without approval of the Board of Supervisors. Ms. De Wolf asked if we needed three bids for the project. She was advised as this was an emergency repair it was not necessary to bid. URS will be inspecting the project.

Mr. Barber made a motion, seconded by Ms. De Wolf to approve the contract with Arron Enterprises for repair of the Stetson-Starkweather sanitary sewer line not to exceed \$92,000.00. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the contract with Arron.

VI. Public Comment.

Ms. De Wolf advised those present that the Township Engineer has been authorized to do the engineering for the Shiloh Road Improvements. A traffic study will also be done to determine if stop signs are warranted at Shiloh Road and Hunt Drive.

VIII. Payment of Bills.

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

IX. Adjournment.

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

Respectfully Submitted,
Robert Layman,
Township Manager