

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
SMITH MANSION OAKBOURNE PARK 1014 SOUTH CONCORD ROAD  
July 3, 2006 7:30PM

In attendance were Supervisors Chairman Thomas A. Foster, and Vice-Chairman Charles P. Barber; Township Manager Robert Layman; Township Building Inspector John Wilson; Township Planning Commission Member Richard Pomerantz; and Township Parks Advisory Group Chairman Rob Upton. There were nine 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 (June 19, 2006 Regular Meeting).**

Mr. Barber made a motion, seconded by Mr. Foster, to approve the minutes of the June 19, 2006 regular meeting. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the minutes as presented.

**III. Departmental Reports.**

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

Mr. Wilson reviewed the June Building report. He commented that building activity has increased 178% in the first six months of this year as compared to last year. Mr. Wilson said he has been reviewing all the documentation relative to the construction of the Bayard Rustin High to assure that all work that has been done or still being done is in compliance with all building codes. He also stated that he still has not received a final copy of problems relating to the pumping station. Mr. Foster noted that there is a boundary issue that needs resolution.

Walter Pavelchek, 1050 S. New Street, stated that DEP has developed a manual for “Best Management Practices for Stormwater” and is currently holding a public comment period. Mr. Pavelchek asked if the Township has received a copy. Mr. Layman responded that a copy has been received and passed to the Township engineer for review.

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

As Mr. Gross was on vacation Mr. Layman reported on the Road Department's activities for June. The Department has been preparing for road paving in the Pleasant Grove Development and on Sage Road. A major part of their work was repairing stormwater pipes.

A question was raised in regards to trees planted in the road right-of-way and if the Township had notified residents of their responsibility for these plantings. Mr. Wilson stated that he had completed a survey of potential hazardous trees in Township road rights-of-way and has sent letters to the residents affected. He also stated that the Township had solicited proposals for removal of the hazardous trees but the cost would be prohibitive. Mr. Foster suggested that the Township contract a Tree Removal Service to inquire if their company would be willing to give a price break to the residents.

**C. Township Planning Commission – Richard Pomerantz.**

Mr. Pomerantz reported on the June 21<sup>st</sup>, 2006 Planning Commission Meeting. He stated the Commission reviewed the Stambolian reverse subdivision plan. The plan calls for combining three lots on Broadway into one residential building lot. The Commission also continued review of requiring fencing around retention basins. This was initially suggested as a result of changes

in DEP regulations that require these basins to be utilized as soil and sedimentation control facilities during construction. This results in the retention basin operating as a pond until construction is completed. The Township has received a number of complaints as to the safety of these facilities and it has been suggested that they should be fenced. Mr. Pomerantz indicated after review of the issue, which including discussion with the Township Solicitor, that the Planning Commission is comfortable that no regulations needed to be adopted, but that an appeal could be made to install temporary "snow fences". Mr. Barber mentioned that there is development in Downingtown where a retention basin had been fenced.

**D. Parks Advisory Group – Rob Upton.**

Mr. Upton reported that the playground equipment has been installed at Oakbourne Park. The only remaining work to be done is the installation of handicapped access as required by the County in order to receive the grant funding. He also reported that the Township has been discussing with Westtown School the possibility of a operating a wood chipping facility on the school property. Mr. Upton said even though Thornbury Township Chester County did not agree to the proposed grant program for a joint trail plan with Westtown there is still a possibility that something could be done. Specifically, the construction of a trail system from Bayard Rustin High School to Westtown School which would connect to both Thornbury's and Westtown's trail system. The Parks Advisory Group has revised the Tree Removal Permit for use on Township property and will submit the permit to the Board of Supervisors for review. Mr. Upton stated that Parks Advisory is researching a grant to provide "pooper scooper" facilities at Oakbourne Park.

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

John Lain, 1540 Johnny's Way, suggested that the Township consider ways to equalize the treatment of citizens in regards to the removal of "hazardous" trees in the road right-of-way. He stated where the electric wires are on the same side of the road as the trees PECO's contractor will maintain the trees but no effort is made on the side without wires. Mr. Foster said that PECO does not maintain the trees but only cut back the branches that are interfering with the wires. Mr. Foster and Mr. Lain had a discussion concerning the implications of a recent decision by the Supreme Court relative to wetlands.

Shawn Koberg approached the Board with issues relative to his proposed subdivision of 1111 Shady Grove Road. He stated that the Board's requirement that he use a "pump and haul" system until public sewer is available for connections is cost prohibitive. He expressed his willingness to install an on-lot system and abandon the system once public sewer becomes available. He stated that he will provide a right-of-way for the public sewer to be extended from Shady Grove Way through his property to Favonius Way. However in doing this there would be a problem with the required setbacks for his driveway. The Board of Supervisors indicated to Mr. Koberg that they would be willing to work with him on both of these issues.

Walter Pavelchek, 1050 S. New Street, stated that he had attended a recent meeting of the West Chester Shade Tree Commission. At the meeting it was stated that any tree in the road right-of-way is the responsibility of the homeowner as it relates to maintenance or removal.

William Covert, 8 Ardrossan Avenue, stated he frequents the Westtown Village Shopping Center and finds the littering of cigarette butts offensive. He had previously submitted to the Township an ordinance from Doylestown which regulates this issue. He asked that the Board of Supervisors adopt the same standards for Westtown.

Lee Hartwig, 1001 Russell Lane, stated that Westtown Village Shopping Center is private property and such regulations would not apply. It was also stated that enforcement of such regulations in the public way should be left to the police department. Mr. Barber stated that the Police Officers are to concentrate on the enforcement of speeding regulations in the Township and that littering would be a secondary concern. The Board of Supervisors will refer the matter to the Township Police Commissioner and suggested that Mr. Covert attend the next Police Commission meeting.

**V. Old Business.**

There was no old business before the Board.

**VI. New Business.**

**A. Adopt Ordinance 2006-1 Verizon Franchise Agreement.**

Chad McCauley was in attendance for Verizon.

The matter of the extension of a franchise agreement to Verizon for Cable TV service in Westtown was discussed. By providing this franchise Verizon would be able to provide Cable TV service in competition with Comcast. The franchise agreement has been negotiated through the West Chester Area Council of Governments. Mr. Lain asked the status of the PEG channels. Mr. McCauley responded that provision has been made for up to three channels for use of Public Access, Education and Government. The municipalities are responsible for requesting use of the channels. Verizon would provide a grant of 25 cents per customer per month to support operation of the system. The funds would be obtained by Verizon from the subscribers and would appear as a line item on their bills.

Mr. Barber made a motion, seconded by Mr. Foster, to Adopt Ordinance 2006-1 Verizon Franchise Agreement. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously adopted Ordinance 2006-1.

**B. Adopt Ordinance 2006-2 Sewer District Ordinance.**

Mr. Foster explained that the need to create a new sewer district was due to the upgrade and repairs to the sanitary sewer line under Route 202. It was felt the cost of the work should be borne by those who will use the system.

Mr. Barber made a motion, seconded by Mr. Foster to adopt Ordinance 2006-2 Sewer District Ordinance. Mr. Foster asked for public comment. There was not public comment. The Board of Supervisors unanimously adopted Ordinance 2006-2.

**C. Authorize Advertising for Snow/Ice Control Bid.**

Mr. Layman advised the Board that our contract with Derryl Mills, who is responsible for the snow/ice removal in two sectors is up for bid this year.

Mr. Barber made a motion, seconded by Foster, to authorizing advertising for snow/ice control for two sectors. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved advertising for snow/ice control.

**D. Accept Sanitary Sewer Right-of-Way Tract 2003-11 1645 West Chester Pike Donnelly.**

Mr. Layman stated that it was necessary for Mr. Donnelly to dedicate a right-of-way to the Township for part of the sanitary sewer line that provides service to his development at 1645 West Chester Pike. This includes the right-of-way on the Spencer Qualls property, 1646 West Chester Pike, where the line will connect to the Township's existing sanitary sewer line.

Mr. Barber made a motion, seconded by Mr. Foster, to accept dedication of the Sanitary Sewer Right-or-Way for Tract 2003-11 1645 West Chester Pike. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously accepted the Sanitary Sewer Right-or-Way.

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

Mr. Hartwig asked what is the capacity of the Bayard Rustin High School pumping station. He was advised that the pumping station was built for excess capacity to be able to handle flows from other areas, such as Plumly Farms.

Mr. Pomerantz stated that Juniper Florida uses their bag dispenser facilities for dogs to collect donations for dog memorials.

Mr. Lain asked about the sanitary sewer work that would be done on Shiloh Road. He was advised that the sanitary sewer lines would be installed at the same time that the proposed Shiloh Road improvements are done in 2007 so as not to disturb Shiloh Road again. The sewer lines will be capped and no connections will be made prior to the actual extension of the sanitary sewer collection system. The funding for the improvements to Shiloh Road was provided in part by the School District and in part through PennDOT's Highway Turnback program. The time limit on the expenditures of the Highway Turnback funds is prior to the extension of the sanitary sewer system.

Mr. Pomerantz asked if it could be determined that other communities received a better offer from Verizon than Westtown for PEG TV.

**VIII. Payment of Bills.**

Mr. Barber made a motion, seconded by Mr. Foster to approve payment of the bills. The Board of Supervisors unanimously approved payment of the bills as presented.

**IX Adjournment.**

On the motion of Mr. Barber, seconded by Mr. Foster, the meeting was adjourned.

Respectfully Submitted

Robert Layman,  
Township Manager