

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
SMITH MANSION OAKBOURNE PARK 1014 SOUTH CONCORD ROAD
September 5, 2006 7:30PM

In attendance were Supervisors Chairman Thomas A. Foster, Vice-Chairman Charles P. Barber and Police Commissioner Carol De Wolf; Township Manager Robert Layman; Township Building Inspector John Wilson; Township Roadmaster Mark Gross; and Township Planning Commission Member Jeff House. There were fourteen guests in attendance.

I. Call to Order.

As there was a quorum present Chairman Foster called the meeting to order (7:30Pm) and led those present in the pledge of allegiance.

II. Approval of Minutes (August 21, 2006 Regular Meeting).

Ms. De Wolf made a motion, seconded by Mr. Barber to approve the minutes of the August 21, 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 August Building Report. He stated that testing is being done on the high school pumping station and the facility should be on line in the near future. In the interim the school is using a pump and haul operation. He also stated that construction at the Westtown School Athletic Facility is proceeding with no problems.

Mr. Foster advised Mr. Wilson that the Board will review his memo on revising the Township fee schedule. Ms. De Wolf requested that Mr. Wilson provide the Board with a comparison of fees from other municipalities.

B. Township Roadmaster- Mark Gross.

Mr. Gross reported that the Road Department has been doing asphalt patching and as required by the MS4 Stormwater permit, checking the condition of the outfalls on storm drains throughout the Township. He stated that the Department has been working with URS on mapping manholes for the proposed public sewer project. He also stated that once the components for the retaining wall are received from Recreation Resources the Department will be able to complete the handicapped access for the playground equipment in Oakbourne Park. Mr. Gross advised the Board that the Township will participate in a two year contract with East and West Goshen for line painting. Mr. Foster asked Mr. Gross to obtain prices for removing the tree at the Gate House as the roots are destroying the wall. Mr. Gross responded he would see if the Department could remove the tree if not he will get quotes for removal. Ms. De Wolf asked that the price include removal of the stump. Mr. Barber asked about the electrical damages to our traffic signals in the recent storm. Mr. Gross stated that there were two electrical surges which took out the lights at Skiles Boulevard resulting in the signal cabinet needing to be replaced. There were also problems with the lights at Dalmally Drive. These incidents will be reported to our insurance company.

C. Township Planning Commission – Jeff House.

Mr. House stated that the Planning Commission reviewed the following plans at the August 23rd meeting: Tract 2006-4 Koberg, 1111 Shady Grove Way, and Tract 2005-4 Stambolian, 2005-2, 10 Broadway. The Commission has sent memos to the Board of Supervisors with their recommendations for granting of preliminary/final plan approval. The Commission reviewed a proposal for road reclassification to consider if all Township roads would be classified in one of two categories; collector or arterial. Ms. De Wolf asked the reason for reclassification of the

roads. Mr. Layman stated that all roads are not classified and classification is needed when determining sight distances. Mr. Wilson stated the sight distance varies between collector roads and arterial roads. Mr. House said the classifications should be determined now so that new roads can be designated at the time of construction. Ms. De Wolf said this is also a zoning issue and she asked to be provided with a map that shows which roads are now classified and which are not.

Mr. House said the Commission continued review of the zoning ordinance revisions. The main discussion was concerning the extent to which a not-for-profit entity would be taxable. The Commission would like some guidance from the Township Solicitor on this issue in order to move forward with the zoning revisions. He stated the Commission would still like to see a master plan for Crebilly in order to look at the tract as a whole not on a piecemeal basis. The parallel road is being addressed by Presby Homes.

IV. Public Comment Non-Agenda Items.

Paul Rubino, 1413 Carroll Brown Way, said he is interested in connecting to the Township sewer system which one of his neighbors has done but understands there are issues with grinder pump connections. Ms. De Wolf stated that the Board needs to know Mr. Rubino's circumstances before they could make a decision. Rich Krohn, contractor for Mr. Rubino, stated that Mr. Rubino's well is failing and he will be connecting to public water. Aqua requirements for the water line put the line through the existing drain field for the septic system. Because of this situation Mr. Rubino would like to connect to the Township's sewer system. Mr. Krohn said he is not asking to install a grinder pump but to be able to use an injector pump that separates the solid from the effluent. The solids would go to the existing septic tank in the drain field and the effluent would go into the Township's system. The water and effluent would be metered. Ted DeBoda, URS, expressed his concerns with this type of pumping system and stated that this would need to be reviewed with DEP. Mr. Barber asked if there is access to the Township's sewer system from Mr. Rubino's property. Mr. Krohn said the line would have to be extended in order to tie in. Mr. Barber asked if Mr. Rubino would be willing to pay the cost of extending the line. Mr. Rubino responded yes. Mr. Foster advised Mr. Rubino that he was proposing a system that was different from the current system and proposed future systems. Mr. Rubino stated that because of the elevation of his property he would need a grinder pump to connect to the Township's system. With the system they are suggesting the need for a grinder pump is eliminated. Ms. De Wolf stated she felt that engineering should be done to see if it would be possible to connect to the Township system without a grinder pump. She suggested that this be addressed by URS. Mr. DeBoda said he would like to see a site plan and specifications for the proposed injector pump system.

Kevin Cummings, a resident of East Goshen, and member of the Board of Directors of Gaudenzia was in attendance. He stated that the Board should have received a letter from DEP approving their connection to the Townships sewer system. He also stated that Gaudenzia is willing to grant the requested easements to the Township. Mr. Cummings said the building has been completed since January and cannot be occupied as a Certificate of Occupancy ("CO") has not been issued. He asked what the Board's position was at this time. Mr. Foster stated that there appears to be some confusion as Mr. Sherick and Mr. Moyer attended a Township meeting (4/3/06) and were informed that Gaudenzia would not be charged for the connection and that the Township would absorb all the costs of upgrading the Pleasant Grove Pumping Station. Mr. Foster said in return Gaudenzia was to grant the following easements to the Township; an easement for a future sewer connection from our property adjacent to yours and the easement for the Township walking trail. As of this date this has not been done. He stated if the easements are granted the Township will agree to the sewer connection. Mr. Cummings said as DEP has approved the connection Gaudenzia does not need to sign off on the easements but they are willing to do so. Mr. Barber said he does not feel that Mr. Cummings has his facts correct as Gaudenzia had put the burden of obtaining DEP approval on the Township but then moved forward and submitted their application to DEP. The CO cannot be issued until the sewer is connected. There is a letter (5/2/06) to this effect if Mr. Cummings wishes a copy. Mr. Layman stated that the Board asked Mr. Sherick, when he attended the April 3rd meeting, if Gaudenzia would sign off on the agreements and he responded that they would. Mr. Layman stated he then received a call from Gaudenzia that they would not do this. He also stated that the Building Inspector has no reason not to issue the CO for the building but cannot do this until the sewer is connected. Mr. Cummings apologized for his frustration as he has only heard Gaudenzia's side but now is hearing the Township's. Mr. Layman stated that Mr. Adams has already drafted the agreements and suggested arranging a time for the Board to meet with Gaudenzia and sign the agreements. Mr. Cummings said the Township has also requested to see a plan for any proposed

use of the Gaudenzia property and does not feel this should be a condition of approval. Mr. Layman said the Planning Commission has requested this to help with their future planning. Mr. Cummings said Gaudenzia does not have anything planned in the immediate future but could provide a 3-5 year plan.

V. Old Business.

A. Chester County Landscapes Round XIII Oakbourne Park Facilities Grant.

Mr. Layman advised the Board of Supervisors that the completion time for the facilities grant expired on September 1st. As the handicapped access has not been completed the County has agreed to give the Township a six month extension.

Mr. Barber made a motion, seconded by Ms. De Wolf, to approve execution of the extension for Round XIII Oakbourne Park Facilities Grant. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved execution of the extension.

VI. New Business.

A. Westtown Township Noise Regulations.

Mr. Foster said that the Township has been receiving numerous calls concerning the level of noise coming from the Bayard Rustin High School. Most of the calls are concerning the band which is practicing in a field close to residential properties. He stated the Township Noise Ordinance does not seem to address this issue. He suggested that we may need to revise our ordinance. Ms. De Wolf stated that the language in our current ordinance is good but needs to be revised for monitoring of noise levels. Ms. De Wolf asked who to contact at the high school for these complaints. Mr. Foster stated it would be Mrs. Simmons, the principal, who has already indicated these noises will continue. Mr. Foster said the high school needs to be more reasonable and supportive of the Township ordinance. Mr. Barber asked why the band cannot move its practice to another field away from the properties on Farmview and Barnview Lanes. Ms. De Wolf said the high school needs to be sensitive to its location. The Board directed Mr. Layman to have the Township Solicitor revise the Noise Ordinance to add enforcement of noise levels using a decibel meter.

Peter Stevenson, 1093 Barnview Lane, complained about the noise coming from the high school. He asked if the Noise Ordinance is to be revised that the use of the school's external public address system be addressed. The system should be used for emergencies only, not to exceed a certain number of decibels, and not before 7:00Am or after a specified time. He also expressed concerns about students who drive and the noise created by loud stereo and exhaust systems. He also requested that the use of megaphones be banned, except for football. Mr. Stevenson also suggested that a permit should be issued for any outside organization that would hold a large gathering on the school property. Ms. De Wolf said our contract with the School District is limited to what they can do on the fields. Mr. Layman was directed to see if all the required landscaping has been completed between the residential properties and the school. He was also directed to address a landscaping plan for the school's pumping station.

William Chesko, 1025 S. Concord Road, said the noise carries to his property even though he lives about a half mile away. He stated he is not use to this and that there must be a way to control the noise. He stated he can see lights and a loud speaker at the stadium in the near future. Mr. Foster said now is the time to take control of the situation. Mr. Barber advised Mr. Chesko to contact Dr. Simmons, Bayard Rustin principal, next time he has a noise complaint.

Walter Pavelchek, 1050 S. New Street, said over the years from his generation to now the instruments and music has changed; everything is louder and the half time shows are quite professional. Mr. Pavelchek said there needs to be a compromise between what the public expects today and the surrounding neighborhoods.

John Wilson stated that the School District has not asked for an occupancy permit but feels the Letter of Indemnification is adequate and asked where the Board stands on this. Mr. Foster said we cannot withhold a CO at this time. Mr. Wilson will include a copy of the Letter of Indemnification with the CO when requested. Mr. Foster said the school does not have an

emergency operations plan but this is being addressed by Mr. Verdiani, our Emergency Management Coordinator.

B. Approve Escrow Release No. 2 Tract 2003-14 J & A Construction in the Amount of \$33,423.84.

Mr. Foster advised the Board that the Township Engineer has reviewed the escrow and recommends approval this evening.

Mr. Barber made a motion, seconded by Ms. De Wolf, to approve escrow release No. 2 Tract 2003-14 J & A Construction in the Amount of \$33,423.84. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release.

C. Approve Police Budget 2006.

Ms. De Wolf expressed her concern that the Board did not have a chance to discuss the budget during the Board's workshop. Mr. Layman said the police have been under a default budget for two years, and even if there are concerns, a budget that reflects reality needs to be adopted.

Mr. Barber made a motion, seconded by Ms. De Wolf, to approve the Westtown-East Goshen budget dated August 17, 2006. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the August 17, 2006 budget.

Mr. Pavelchek asked if the budget is available to the public for review. He was advised the budget could be reviewed at the police office.

D. Approve Addendum Verizon Cable Franchise Agreement.

Mr. Layman reviewed the addendum which states that Verizon will pay franchise fees to the Township in the event that the State Legislature passes legislation that they are not required to.

Mr. Barber made a motion, seconded by Ms. De Wolf, to execute the addendum to the Verizon Cable Franchise Agreement. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the addendum.

E. Employee Pension Fund Minimum Municipal Obligation.

Mr. Layman stated that the Townships 2007 Minimum Municipal Obligation for the employee pension fund must be presented to the Board in September and read into the record. The Township minimum obligation this year is \$28,819.00. There is no motion required by the Board.

F. Grant Preliminary/Final Plan Approval Tract 2005-2 Stambolian 10 Broadway.

Mr. Layman advised the Board that the Planning Commission requested a small change on page one of the plan and that Mr. Stambolian is having the page revised. Mr. Foster said as the Planning Commission has recommended approval a motion could be made to approve the plan conditioned on the revision of page one. Mr. Foster thanked Mr. Stambolian for his patience through the planning process.

Mr. Barber made a motion, seconded by Ms. De Wolf, to grant preliminary/final plan approval for tract 2005-2 Stambolian conditioned on the revision of page one of the plan. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the plan.

G. Grant Preliminary/Final Plan Approval Tract 2006-2 Koberg 1111 Shady Grove Way.

Mr. Barber made a motion, seconded by Ms. De Wolf, to grant preliminary/final plan approval for tract 2006-2 Koberg conditioned on the Planning Commissions Letter of August 29th, 2006 and conversion to public sewer when available. Mr. Foster asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the plan.

H. Approve Execution of Preliminary/Final Plan Tract 2000 14- Riley/Mears.

Mr. Layman said the Board had granted Mr. Mears preliminary/final plan approval on January 18, 2005. The approval was conditioned on Mr. Mears connecting the three lots to public sewer. Mr. Mears has received an easement from the Streitels that will allow him to connect to the Township's sewer line. Mr. Layman also stated that URS in their letter of August 17th, 2006 recommended extending the line so that the adjacent property (67-2-42.5) could also connect to public sewer. Mr. Mears said this could not be done as his agreement with the Streitels stipulates there can be only three lots connected to public sewer. As all the conditions of plan approval have been met the Board will execute the preliminary/final plans.

VII. Public Comment (all topics)

Bill Chesko asked if the pension plan that was approved was for the police. Ms. De Wolf responded that it is the Township's pension plan. Mr. Chesko asked if the Township contributes to the police pension. Ms. De Wolf responded yes through its police budget obligations.

VIII. Payment of Bills.

Ms. De Wolf made a motion, seconded by Mr. Barber 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 Ms. De Wolf, the meeting was adjourned at 9:17Pm.

Respectfully Submitted

Robert Layman,
Township Manager