

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
July 18, 2005 7:30Pm

In attendance were Supervisors Chairman Kenton S. Stokes, and Vice Chairman Thomas Foster; Township Manager Robert Layman; Westtown-East Goshen Police Chief John M. Dumond; Township Solicitor Robert F. Adams; and Chairman Friends of Oakbourne Walter Pavelchek. There were fourteen guests in attendance.

I. Call to Order.

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

II. Approval of Minutes (Regular Meeting July 5, 2005).

On the motion of Mr. Foster, seconded by Dr. Stokes, the Board of Supervisors unanimously approved the minutes of the July 5, 2005 regular meeting as presented.

III. Departmental Reports.

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

Chief Dumond reviewed the June Police Report. He stated a DUI check point was held recently in E. Goshen at Route 3 and Ellis Lane. Out of the 650 vehicles stopped there were two DUI citations issued and two citations for underage drinking. Chief Dumond stated there were no safety problems or incidents reported with the fireworks display held on the 4th of July at East Goshen's park. There were approximately 3,000 people who attended this event.

B. Township Solicitor – Robert F. Adams.

1. Conditional Use Hearing Sharon Bank.

C. Barry Buckley, Solicitor for Sharon Bank, was in attendance. He stated that the applicant is requesting an extension to August 15th, 2005. Mr. Adams asked that the Board of Supervisors grant the extension. He also stated that the hearing will not have to be re-advertised as the applicant was represented this evening.

Mr. Foster made a motion, seconded by Dr. Stokes, to continue the Sharon Bank Conditional Use Hearing to August 15, 2005. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the extension.

C. Planning Commission – Paul Huberty.

Mr. Layman stated that Mr. Huberty was not in attendance as the July 20th, Planning Commission meeting had been canceled due to the lack of an agenda.

D. Financial Report – Robert Layman.

Mr. Layman reviewed the June Financial report. He stated that revenues are up and expenditures are approximately 1% under budget. Mr. Foster asked why Roads are over budget. Mr. Layman stated this is mainly due to snow removal. Mr. Layman advised Mr. Foster that snow removal is hard on Township equipment and there have been additional expenses this year for equipment repairs.

E. Friends of Oakbourne – Walter Pavelchek

Mr. Pavelchek reported on the July 14th Friends of Oakbourne (“Friends”) Meeting. He stated the Friends are planning a tree dedication for Mr. Scipione sometime in the fall. He also stated the Friends are arranging to have stump grinding done in Oakbourne Park and are requesting that the Township pay 50% of the \$675.00 cost of the removal. Mr. Foster said he felt the Township could approve sharing this expense.

Mr. Foster made a motion, seconded by Dr. Stokes, to approve the Township paying \$337.50 toward the stump removal. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the payment.

Mr. Foster asked if the Friends have continued discussions on how to raise revenue, which is a stipulation of the Friends Charter. Mr. Pavelchek stated that the Friends are trying to establish themselves and demonstrate who they are in order to attract financial support from the community. Some of the ways this is being done is through working with the Heritage Foundation on the pond restoration and with the tree dedications. Mr. Foster said the Mansion is in dire need of maintenance and funds are also needed for the hazardous tree program. As Friends of Oakbourne was created to help fund these projects Mr. Foster said he would encourage the Friends to focus their efforts on these concerns. Dr. Stokes asked the status of the hazardous tree program. Mr. Layman said funding was cut from the budget this year for the hazardous tree removal. He also stated that he is in the process of familiarizing himself with the program and is preparing a report for the Board.

Mr. Pavelchek advised the Board that the Friends, in order to save the Gate House, are interested in doing renovations and leasing the Gate House from the Township. Dr. Stokes said he is willing to listen to a workable proposal.

IV. Public Comment-Non Agenda Items.

Jeff Watkins, 1003 Ashley Road, asked for an update on the Ashley Road basin. Mr. Layman responded that the Township Engineer has determined that in order to pipe the water from the retention basin, into the swale and then into the creek on Mr. Watkins property the pipe will have to be lowered. This will be difficult because of the elevations and gas and water lines on Shiloh Road. Mr. Layman stated they will be meeting with the School District to try to resolve this issue. Mr. Watkins asked if Liquid Fuel money would be used for the work to be done on Shiloh Road. Dr. Stokes responded no.

William Steele, 1005 E. Niels Lane, thanked the Board for their quick response in addressing the water runoff on his property from the Orvis project. He stated the problem has been corrected by the contractor with installation of a temporary silt bed which is diverting the water in another direction.

Timothy Crozier, 220 Baywood Road, stated that the deeds for homes in Pleasant Grove have restrictions against installing sheds on properties. He stated that a new homeowner is installing a shed and not adhering to the deed restrictions. He has spoken with Mrs. Alder at the Township office concerning this and was advised that the Township has no authority to enforce the deed restriction. Pleasant Grove does not have an active Homeowners Association. Mr. Adams said when properties are subdivided today the developer will prepare documents for covenants, restrictions and easements as part of subdivision plan approval which have effect over the whole community. When Pleasant Grove was developed in the 1970's the restrictions were put in the deeds and pass from owner to owner. Mr. Adams stated that the Township has no authority to enforce private restrictions in deeds that pass from grantor to grantee. He stated that the Township did not require the developer to put restrictions in the deeds. The Township allows sheds as long as all the permit requirements are followed. Mr. Adams also stated unless there is a violation of a Township Ordinance the Township would not be involved. He advised Mr. Crozier that this is a civil matter between neighbors that would need to be settled in court.

Creighton Murphy, 221 Baywood Road, stated that this situation has impacted him and his relationship with his new neighbor. He has lived here for twenty years and has paid his taxes and

does not understand this situation. It is his understanding that the deed is an agreement between the developer and the Township. Mr. Adams stated that that was incorrect as the deed does not have anything to do with the Township. Mr. Murphy asked if the Board would be willing to talk to the Pleasant Grove homeowners at the August 1st meeting. He also stated that this is the first time, as a taxpayer, he has asked the Township for help. Mr. Adams said the Township does not have a legal right to enforce the personal rights of landowners and the Township would be remiss if they spend taxpayer's money pursuing a personal right. Mr. Adams advised Mr. Murphy that he can't answer for the Board concerning speaking with the Pleasant Grove residents.

V. Old Business:

There was no old business at this time.

VI. New Business:

A. Execution of Oakbourne Park Community Revitalization Assistance Program Grant in the Amount of \$20,000.

Mr. Layman stated that this is a Community grant for \$20,000 to purchase playground equipment for Oakbourne Park. Mr. Foster asked if the grant can only be used for the playground equipment. Mr. Layman responded that the Township could petition the State for an amendment to the grant. The playground equipment was included in the Oakbourne Park Phase I improvements but was removed in order to lower the cost even though the County was not in favor of this. Dr. Stokes stated that it was his understanding the grant was designated for the playground equipment.

Mr. Foster made a motion, seconded by Dr. Stokes, to execute the Community Revitalization Assistance Program Grant in the amount of \$20,000 for its designated use. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved execution of the grant.

Dr. Stokes asked that an article about the Township walking trails be included in the next newsletter. He also asked that an ordinance requiring "pooper scoopers" be addressed. Mr. Layman stated that an ordinance is being considered and that the Chester Ridley Crum Creek Watershed Association has offered to help with this project.

B. Approval of Escrow Release No. 11 Tract 2002-8 SS. Simon & Jude in The Amount of \$36,648.68.

Mr. Layman stated that Mr. Capuzzi has reviewed the escrow release and is recommending approval.

Mr. Foster said he has had complaints that the retention basin is not draining and is also not fenced. Mr. Layman stated that under the new stormwater regulations DEP is requiring soil and erosion sedimentation basins until the development is completed and the ground is fully stabilized. He also stated that the Planning Commission is looking for the appropriate place in our ordinances to include safe guards for retention basins for future developments.

Mr. Foster made a motion, seconded by Dr. Stokes, to approve escrow release No.11 for Tract 2002-8 SS. Simon and & Jude in the amount of \$36,648.68. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release.

C. Approve Change Orders Police Station GC-46.01, HVAC 5.01, EL 28.01 and PL. 5.01.

Dr. Stokes asked that this item be tabled as the change orders are for correction of damage done by a contractor hired by the Police Department. He asked that Mr. Layman have Ms. De Wolf address this issue at the August 3rd Police Commission Meeting. This item was tabled for further review.

D. Approve Change Orders Police Station EL 24.01 – EL 27.01

As the Board had concerns with the following change orders Dr. Stokes asked that they be tabled for further review:

- EL. 24.01 – South side of building power wiring
- EL. 25.01 – Wiring for automatic doors for ADA compliance
- EL. 27.01 – Panic Strips – Sally Port

The Board reviewed and accepted change order EL 26.01 for coax cable in the squad room.

Mr. Foster made a motion, seconded by Dr. Stokes, to approve change order EL 26.01 for the Police Station. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the change order.

E. Approve Payment Request G. Bass Co. in The Amount of \$4,354.00.

Mr. Layman stated that the payment is for work on the sprinkler system.

Mr. Foster made a motion, seconded by Dr. Stokes, to approve payment to G. Bass Co., in the amount of \$4,354.00. Dr. Stokes asked for public comment. There was no public comment. The Board unanimously approved the payment.

VII. Public Comment (all topics).

Paul Coleman, 633 James Drive, stated that mini bikes and motorized vehicles are being driven on the Cope Tract and are creating a dangerous condition. He stated the police have been called but have been unable to catch the offenders. He asked for help from the Township with this situation.

Chief Dumond stated that any motorized vehicle, included motorized scooters, that use public or state roads must be licensed, registered and insured. He advised Mr. Coleman that the offenders could be cited, even though the officer did not see them, as long as Mr. Coleman was willing to testify. He also stated that unless regulations are posted in the park against motorized vehicles the Police have very little enforcement authority. Mr. Foster stated that there have also been complaints from residents on Dunvegan Road concerning the same issue. Mr. Layman will review the posting in the park and Township ordinances concerning these types of vehicles.

VIII. Payment of Bills.

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

IX. Adjournment.

On the motion of Mr. Foster, seconded by Dr. Stokes, the meeting was unanimously adjourned.

Respectfully Submitted
Robert Layman,
Township Manager

