

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
STOKES ASSEMBLY HALL 1039 WILMINGTON PIKE
September 19, 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 Township Planning Commission Chairman Don L. Verdiani. There were twenty-one 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 September 6, 2005).

On the motion of Mr. Foster, seconded by Dr. Stokes, the Board of Supervisors unanimously approved the minutes of the September 6, 2005 regular meeting as presented.

III. Departmental Reports.

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

Chief Dumond reviewed the August Police Report. He reported that the Department patrols the Goshen Fair with both regular officers and the bike patrol. There were no incidents reported this year. Chief Dumond commended Officer Peter Keegan for his quick response to a robbery at Stoltzfus on Route 202 in which a suspect was apprehended and stolen electronic equipment was recovered. The Department was able to have two trailers donated for collection of supplies for victims of Katrina. The trailers went to Baton Rouge La, and Livingston Miss.

B. Township Solicitor – Robert F. Adams.

1. Approval of Stormwater Right-of-Way Agreements Robin Drive.

Mr. Adams said he has been working with Mr. Layman to prepare easements necessary to correct a dangerous water problem on Robin Drive. Mr. Layman has obtained signatures on the agreements with the residents of 1020 Robin Drive and 1402 Thrush Lane. The third agreement is still under review.

Mr. Foster made a motion, seconded by Dr. Stokes, to accept and approve execution of the stormwater right-of-way agreements for Robin Drive. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved execution of the agreements.

C. Planning Commission – Don L. Verdiani.

Mr. Verdiani reported on the September 7th Planning Commission meeting. He stated that the Commission, when asked to review plans of developments in neighboring Townships, will now send their comments to the Chester County Planning Commission as well as the Township that requested the review. The Commission continued review of the Sharon Bank project. The location of the bank has been moved closer to Route 3 away from the riparian buffer. The Commission also continued review of the proposed zoning amendments for the A/C district which encompasses the Crebilly tract. Provisions will be added to the amendments for a continuing care retirement community with ancillary provisions for a hotel or hospital facility. Mr. Verdiani said the Commission is also considering standards for a corporate park with light industrial uses. The proposed amendment will also include preservation of a least 50% of open space. Dr. Stokes stated that Westtown is mostly residential developments. There are also schools and

churches in Westtown that do not pay tax. If Crebilly, the last large tract in Westtown, is to be developed the Township would like a development that would increase the Township's ratable base. Mr. Verdiani said the Commission also reviewed a plan for placement of the police storage shed. Dr. Stokes asked Chief Dumond why a shed was needed. Chief Dumond responded an outside shed is necessary as they do not keep combustible materials in the evidence room.

D. Financial Report – Robert Layman.

Mr. Layman stated that overall the Township is in good financial condition. Payroll expenses are down as we are contracting for building inspection services. Trash tipping fees at the landfill are down 2%. Mr. Layman also stated that the Township is bidding for snow/ice removal and have concerns that the bids will be high because of the fuel costs.

IV. Public Comment-Non Agenda Items.

John Yori, 2 Garden Circle, said he does not feel the Township is addressing his concerns with the lighting from the Police Station and the stagnant water that is lying between his property and the Township property. Mr. Layman responded that he and Mr. Foster had visited the property to see the affect of the lighting. It was discussed if Cypress Tress should be planted to block the light or if a fence should be installed. Dr. Stokes stated that the Township is receiving bids to install a fence.

Lemuel Banister, 1129 Cockburn Drive, said he has a drainage issue which he brought up a year ago that has not been resolved. A drainage pipe in the easement at the rear of this property constantly needs to be cleaned because his neighbors upstream put debris in the easement that flows to his property when it rains. He has asked the Township to write a letter to his neighbors concerning dumping in the easement. Mr. Layman apologized for not sending the letter. He also advised Mr. Banister that the area is being posted for no dumping and he will generate the letters.

William Steel, 1005 Niels Lane, stated that the retention basin, for the Greenstone Development, behind his property is not draining. He stated that this is becoming a breeding ground for mosquitoes. Mr. Layman stated that the water should be draining into the pipe below the basin. Dr. Stokes asked Mr. Layman to address this issue.

Creighton Murphy, 221 Baywood Road, said he bought his property in the 1980's before the Township's zoning was in place for sheds and feels that allowing a shed on the property next to him is diminishing his property value. He also mentioned the letter Mr. Adams wrote stating that the Township does not have any responsibility in this matter. Mr. Foster said the question is what the deed for his property says not what is allowed under Township Ordinance.

Thomas Detweiler, 219 Baywood Road, stated that he had applied for a building permit for a shed but found out that his deed referenced that sheds were not permitted in Pleasant Grove. He said in respect to his neighbors he did not install the shed. Mr. Detweiler feels the Township has an obligation to enforce the shed restrictions in the deeds of Pleasant Grove residents. Mr. Adams said he does not disagree with Mr. Detweiler concerning sheds in Pleasant Grove but the issue is who enforces this. He stated in all the material that has been presented to him concerning Pleasant Grove deed restrictions the restriction appears to be only in the deed for lot 22, the Slovak property, 1170 Blenheim Road. There are no restrictions in Mr. Murphy's deed or in Mr. O'Neil's deed. Mr. Adams said it is on the Pleasant Grove residents to enforce the deed restrictions not the Township. Mr. Adams stated he needs to see a document that places enforcement of the deed restrictions on the Township.

Mr. Banister said there is no blanket declaration and not every lot in Pleasant Grove has these restrictions but there is a chain of title, which is binding even if it is absent from the deed. Mr. Adams said I would agree with you but where does the enforcement lie. There is no Declaration that it is the obligation of the Township. This is a private matter between grantor and grantee. Mr. Adams said he feels Westtown acted correctly in issuing the permit for the shed. He advised the Pleasant Grove residents that they had the right to file suit against the offending property owner. Mr. Banister says he feels the Township is responsible and why should the residents pay for an attorney. Mr. Foster stated that the Township building permit has been revised to include

language that says by issuing this permit you are in compliance with the Township but there might be more restrictions in your community into which you should look. Mr. Banister said he feels the Township has dropped the ball on this and why should they hire a lawyer when the Township will continue to give out building permits. Mr. Adams said you are asking the Township to stop issuing permits for sheds in Pleasant Grove. We have no authority to withhold permits that are legal and the property owner would have a right to sue the Township. Mr. Banister asked how zoning ordinance could be changed.

Mr. Crozier asked Mr. Adams to clarify "by other than Declarance". Mr. Adams said a Declaration is a document that is placed on record by an owner of a large tract. The person who does this is called the declarant. Mr. Crozier asked who enforces the Declaration. Mr. Adams said if there is a Homeowners Association they would.

Greg Adleman, attorney for "The Fountains", advised the Pleasant Grove residents to go to the District Justice and file a private equity complaint against the property owner.

V. Old Business:

A. Grant Final Plan Approval for Tract 2000-8 McCawley/Fountains at Westtown.

Greg Adleman was in attendance for the applicant. He stated that at the August 15th meeting all the issues had been resolved except for the jughandle fountain. He stated a meeting was held with the Township staff on August 22nd and the issue was resolved. A letter dated August 29th, 2005, was received from Mr. Layman which states that the owner will be responsible for the ownership, maintenance of the fountain and basin. The only improvement deeded to the Township will be the jughandle road. It was also agreed that the signage would say the "Fountains of Westtown". He asked that the Township grant final plan approval based on the Engineer's letter of July 5th, 2005, the Planning Commission's letter of July 8th, 2005, the architect's letter of August 15th, 2005, and the Township letter of August 29th, 2005. It is also understood that the plans will not be released for signing until all outstanding engineer fees are paid.

Mr. Foster made a motion, seconded by Dr. Stokes, to grant final plan approval for Tract 2000-8 McCawley/Fountains at Westtown conditioned on the following letters: Engineer July 8th, 2005, Planning Commission July 8th, 2005, Architect August 15, 2005, and Township August 29th, 2005. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously granted final plan approval for Tract 2000-8.

VI. New Business:

A. Approve Escrow Release No.13 Tract 2002-8 SS. Simon & Jude in the Amount of \$36,823.50.

Mr. Layman stated that the release has been approved by Mr. Capuzzi, Township Engineer for the project.

Mr. Foster made a motion, seconded by Dr. Stokes, to approve escrow release No.13 in the amount of \$36,823.50 for Tract 2002-8 SS. Simon & Jude. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the escrow release.

B. Approve Change Orders Police Station GC 48.01 and HVAC 3.01.

Mr. Layman stated that GC 48.01 is a \$5,600 credit for the fence at the Sally Port and HVAC 3.01 is also a credit in the amount of \$322.00.

Mr. Foster made a motion, seconded by Dr. Stokes, to approve change orders GC 48.01 and HVAC 3.01. Dr. Stokes asked for public comment. There was no public comment. The Board of Supervisors unanimously approved the change orders.

VII. Public Comment (all topics).

There was no public comment

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