

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, August 17, 2015 at 7:30 PM

In attendance were: Chair Mike Di Domenico, Police Commissioner Tom Haws, Township Manager Rob Pingar, Township Solicitor Patrick McKenna, Chief Brenda Bernot, Parks & Recreation Commission member Walter Pavelchek, and Planning Commission member Jim Lees. There were 7 guests present.

I. **Pledge of Allegiance & Call to Order**

Mr. Di Domenico led the Pledge of Allegiance and called the meeting to order at 7:36 PM. He asked if anyone in the audience was using a recording device. There was none.

II. **Approval of Minutes (August 3, 2015)**

Due to the length of the August 3, 2015 meeting and amount of public comment, the minutes were not ready for approval.

III. **Workshop Meeting Summary (August 17, 2015)**

Mr. Di Domenico stated that the Board held an Executive Session concerning WEGO staffing, vehicles, and equipment. The Board also interviewed Eileen Fresta for the Historical Commission vacancy, and considered Resolution 2015-7 for a small flow treatment facility at 702 Spring Line Dr.

There were no questions from the public regarding the workshop.

IV. **Departmental Reports**

A. **WEGO Police- Chief Brenda Bernot**

Chief Bernot noted that scams are continuing to occur within the Township, but fewer people are falling victim to these scams as they are becoming more informed about them.

During the week of August 10, there was a rash of residential and commercial burglaries. The Chief stated that they are seeing an increase of residential burglaries in Chester and Delaware Counties. She also mentioned a break-in on Cardinal Drive. She suggested that if someone knocks at your door, and you choose not to answer it, that you at least make noise to make the person aware that someone is in the house. Chief Bernot also urged residents to call any time they see something suspicious occurring.

Thirteen citizens have registered for the Citizens Police Academy, including seven from Westtown Township.

The department is 75% of the way through the accreditation process. The Chief believes that by January 1, 2016 WEGO will be an accredited agency.

Mr. Haws noted that the Police Commission meeting slated for August 20 has been postponed. The Chief noted there will be a meeting in September.

There were no questions or comments.

B. Township Solicitor - Patrick McKenna

At the August 3rd meeting, the Board had requested Mr. McKenna draft an ordinance to repeal the Special Use Overlay. A draft of that ordinance was sent late this afternoon for the Board's review. Once it is reviewed by the Board, the Westtown and Chester County Planning Commissions will have to review it as well. An amendment to the zoning map would also be required.

There were no questions or comments.

C. Parks and Recreation (PR) – Walter Pavelchek

At their August 11 meeting, P&R began planning their programs for the 2016. The major item discussed were preparing a master plan. P&R is also looking into ADA Handicap accessibility. Currently none of the parks is ADA accessible. The commission also discussed the condition of the basketball and tennis courts, which are currently in need of maintenance. Mr. Pavelchek noted that P&R is considering applying for grants to fund some of these projects.

The annual holiday festival will be December 6 at the Oakbourne Mansion.

P&R discussed the value of the having a message board at the corner of Routes 926 & 202 for posting events happening in the Township.

Thomas McGuane, 1075 Kerwood Road, asked the Supervisors if it would be possible to add more fencing along the Oakbourne Park basketball court. Currently the ball can roll down the hill and across East Pleasant Grove Road creating a dangerous situation. Mr. McGuane also noted that the edges of the court pavement are in disrepair, and offered to make the repairs himself. Mr. Pingar stated that although he appreciated Mr. McGuane's offer to make the repairs himself, it would be the Township's responsibility to make the repairs. That would be a budget consideration for next year. Mr. Haws requested that Mr. Gross verify the condition of the court to make sure there is not a safety hazard, and if it is to address it as soon as possible. Mr. Pavelchek stated that one of the consultant's recommendations was landscaping around the basketball courts.

There were no other comments or questions from the public.

D. Planning Commission (PC) – Jim Lees

Mr. Lees stated the last PC meeting was on August 5. Their August 19 meeting was cancelled. The next meeting will be September 9.

At the August 5 meeting, the Brandolini Company introduced themselves to the PC, and informed them that they would be submitting an application to demolish the current Giant Food Market and Rite Aid to build a new 55,000 square foot Giant Food Market in its place. They also intend to put a new façade on the entire shopping center. Mr. Lees stated that stormwater management is an issue.

The PC also reviewed a variance application for 1420 Rolling View Drive to add a 3 car garage that would encroach on the setback. The PC did not comment on or oppose the application.

The Fair Share/Malvern School application was also discussed. The applicant was in for the 3rd time, and is down to 3 - 4 items that the PC has to discuss with the Township Engineer including the connector road, the walking trail, roadway grades and elevations. Mr. Di Domenico asked Mr. Lees for proper terminology when referring to the proposed new road. Mr. Lees noted the official term is Connector Road.

Mr. Haws noted the aggressive timeline that Brandolini is proposing for the new Giant and asked if there was anything the Township could do to help them meet their goal of starting March, 2016 and completing the project in November, 2016. Mr. Pingar and Mr. McKenna agreed it would be difficult, but is possible with proper planning from the applicant.

There were no comments or questions from the public.

V. **Public Comment Non Agenda Items**

Greg LeBold, 1525 Windermere Road, explained that he moved to the Township halfway through 2012. Mr. LeBold had moved from a municipality with no Earned Income Tax (EIT). Mr. LeBold asked the supervisors for relief from the penalties and interest for 2012 through 2015 tax years. Mr. McKenna asked Mr. LeBold if he had contacted Keystone collection agency to inquire why he was just hearing from them now regarding the 2012 tax year. Mr. LeBold had not. Mr. Haws and Mr. Di Domenico agreed that it seemed odd that it would take several years for Keystone to contact Mr. LeBold. He said that Keystone collects the 1% EIT and ½ goes to the Township and ½ to the West Chester Area School District. He did not know if the Township had authority to waive the penalties since only ½ comes to the Township and ½ goes to the school district. Mr. LeBold would have to appeal to the school district. Mr. Haws directed Mr. Pingar to look into the matter. He asked that if the penalties and interest could not be waived, could he work out a payment plan.

There were no other comments or questions.

VI. **Old Business**

None.

VII. **New Business**

A. **Historical Commission Applicant Consideration**

Mr. Haws made a motion to appoint Eileen Fresta to an unexpired vacancy on the Historic Commission until December of 2017. Mr. Di Domenico seconded the motion. The motion was approved. There were no comments or questions.

B. **Resolution 2015-7 Small Flow Treatment Facility**

A few minor questions on this resolution arose during the workshop session, so Mr. Haws made a motion to reschedule Resolution 2015-7 to a later Board meeting. The motion was seconded by Mr. Di Domenico. There were no comments or questions, and the motion was approved.

C. **Kirkwood Fitness Center**

This item was added to the agenda tonight. Mr. Pingar explained that the Township had received a letter from Spencer Qualls, the property owner, requesting a Certificate of Continuance to extend using the property in a non-conforming use for a period of one year.

Mr. McKenna asked the current status and plans for the property. Mr. Pingar stated the 30,000 square foot building is being marketed. A rock climbing gym is considering occupying half the space and the owner has been approached by Penn Medical for the other half of the building. Mr. McKenna commented that the property is actively being marketed for the same non-conforming use, and the continuance was a formality that arguably wasn't even legally necessary. Mr. Pingar stated that if the Board was comfortable with the existing non-conforming use, then it was reasonable to approve the continuance.

Kathy Di Domenico, 1530 Woodland Road, suggested approving a six month continuance and then extending it if the space is still not leased. Mr. Haws stated that based on Mr. McKenna's comments, he was comfortable with the one year continuance.

Mr. Di Domenico made a motion to approve Spencer Quall's request for a Certificate of Continuance for a non-conforming use through September 1, 2016. The motion was seconded by Mr. Haws. There were no other questions or comments, and the motion was approved.

D. Announcements

Mr. Di Domenico made the following announcements:

1. The 2015 Road Maintenance Program is scheduled to begin Monday, August 24, 2015.
2. WEGO Citizens Police Academy begins September 9, 2015 @ 7:00 pm.
3. Neighborhood University begins September 10. Mr. Pingar touted the program and added that Westtown Township will conduct the session on Traffic and Roads. The complete class schedule is available online at www.nguwc.org.

E. Public Comment on All Topics

Kathy Di Domenico requested that when Mr. Haws makes a motion to pay the bills he state the specific amounts of the check registers, rather than saying "as presented."

Walter Pavelchek, 1050 S. New Street, repeated his request for the Board put out a progress report on updating the Open Space Plan that was adopted last year. He cited the bioswale project at Tyson Park as an example of improvements that have been made that could assist with getting additional grant money.

There were no additional comments or questions from the public.

F. Payment of Bills

Mr. Di Domenico made a motion to approve the General Fund bills in the amount of \$162,769.89 and Wastewater Fund bills in the amount of \$27,584.73 , for a grand total of \$190,354.32. The motion was seconded by Mr. Haws. There was no public comment and the check registers were approved.

G. Adjournment

Mr. Di Domenico made a motion to adjourn the meeting, seconded by Mr. Haws. The meeting was adjourned at 8:36 PM.

Respectfully submitted,

Robert R. Pingar
Township Manager