

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown  
Monday, February 1, 2016 at 7:30 PM

In attendance were: Chair Carol De Wolf, Vice Chair Tom Haws, Police Commissioner Mike Di Domenico, Township Manager Rob Pingar, Township Roadmaster Mark Gross, Township Solicitor Pat McKenna, Historical Commissioner Gail Guterl, and Planning Commissioner Brent Whitig. There were 21 guests present.

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

Ms. De Wolf led the Pledge of Allegiance and called the meeting to order at 7:35 PM. She asked if anyone was recording the meeting. No one was.

II. **Approval of Minutes (January 4, 2016)**

Mr. Haws made a motion to approve the January 4, 2016 Board of Supervisors meeting minutes. Mr. Di Domenico seconded the motion. There were no public comments and the motion was approved.

III. **Workshop Meeting Summary (February 1, 2016)**

Ms. De Wolf stated that the Board discussed the Hawthorne 6 lot subdivision off of Shiloh Road and heard a presentation by Southdown Homes for the Westtown Woods subdivision off of Rt. 202, north of Jacqueline Drive. The Board also reviewed the updated Westtown Emergency Operations Plan and the Chester County Multi-Jurisdictional Hazard Mitigation Plan during their workshop session. The Board will have an Executive Session on Police personnel matters after the regular meeting.

Mr. Haws noted that the Board will add the Hawthorne Subdivision to the regular agenda under Old Business. It is a simple subdivision with no outstanding issues.

IV. **Departmental Reports**

A. **Public Works – Mark Gross**

Mr. Gross reported that he and Mr. Pingar have made an initial assessment of Township roads for the 2016 Road Maintenance Program. Mr. Gross noted that once the cost has been determined, the final list will be presented to the Board for approval.

Mr. Gross stated that the January 22-24 snow event was particularly challenging due to the timing of the storm, beginning Friday night after a full work week. The crew worked from 5am Friday to 6pm Saturday, and then came back in on Sunday and worked another 10 hours. One of the reasons he encouraged Mr. Pingar to declare a Snow Emergency was because it allows drivers to exceed a 12 hour shift. Mr. Gross said he also experienced issues with the subcontractors and equipment. At one point, West Goshen helped with parts and East Goshen provided a mechanic. Repairs were complicated by the fact that the Township garage is not large enough to house the big dump trucks with plows on them, so employees had to service the trucks outside during the blizzard.

Mr. Gross noted that the new Wastewater Plant Operator has settled into his role and has been an asset. There is still one clarifier that is down, which is the main aspect of the treatment process, but there is redundancy in the system. Parts have been ordered and that project will be ongoing for the next several weeks.

The Pleasant Grove Pump Station is also functioning well after reprogramming the controllers. He met with the capital improvements team and they will begin analyzing the Township sewer lines with cameras and jetting in the spring.

Ms. De Wolf asked if Mr. Gross had any changes or suggestions for next winter. Mr. Gross said that he thinks the Township should look into garage facilities capable of housing larger vehicles and equipment, and also consider hiring additional part-time drivers to operate township vehicles. Subcontractors and the vehicles they supply always seem to have mechanical issues.

Mr. Haws asked Mr. Gross how closely the Township has been following the master list of road replacement. Mr. Gross said that a majority of the roads on the list will have been serviced after this year. Mr. Haws also asked about the status Comprehensive Plan for sewer improvements. Mr. Pingar replied that he will be meeting with the sewer engineer next week and will get an update. He explained that the first phase is to look at the collection system and interceptor lines. Mr. Haws stated that the plan was supposed to be finished last year. Mr. Pingar stated that he did not know why it was taking so long, but would discuss it with the engineer when they meet on Wednesday.

Mr. Di Domenico thanked Mr. Gross and his crew for their work during the huge snowstorm. He also reminded him that his road, Woodland Road, was not paved last year and said he hoped it would be on the schedule this year.

There were no other questions or comments.

**B. Township Solicitor – Patrick McKenna**

Mr. McKenna wanted to update the Board on his research and discussions with the Department of Agriculture on the Deer Creek Malthouse expansion at Wynnorr Farm. He reviewed the memo produced by the Agricultural Security Advisory Committee (ASAC), and was asked by the Board to verify the accuracy of a number of legal conclusions in the memo. He reached out to the Department of Agriculture Director of the Bureau of Farmland Preservation. Mr. McKenna noted that there is no concern with the proposal that the Deer Creek Malt House has presented, as long as evidence is presented to the township that at least 50% of the commodities being sold are produced on the farm, in which case it would be protected under the Right to Farm Act.

Mr. McKenna also commented that he could find no specific legal requirement for the ASAC to advertise their meetings, but advised that going forward, the ASAC meetings should be announced by public notice because the commission makes recommendations to the Board.

Mr. Haws asked what the Board's action should be if the Malthouse production exceeds the 50% threshold. Mr. McKenna replied that local zoning ordinances would apply if the 50% threshold is exceeded.

Mark Brault, President of Deer Creek Malthouse, noted that 100% of the malt and 100% of the beer would be produced on the farm. Mr. McKenna stated that the processing of the grain into malt is different from the growing of the grain. The Dept. of Agriculture stated that the use would be protected if at least 50% of what was processed was grown on the property. Mr. Pingar asked how much of the grain would be produced on the farm. Mr. Brault stated that currently, more than 50% of the grain is produced on the farm. Mr. McKenna stated that as long as the Malthouse brings in fewer products than they are producing, then the operation is acceptable. Mr. Brault, Mr. McKenna, and Mr. Pingar agreed that the three of them should meet and agree on what exactly the Malthouse plans to do, how it differs from what they are currently doing, and how to proceed going forward.

There were no other questions or comments.

**C. Historical Commission (HC) – Gail Guterl**

Mrs. Guterl thanked JoAnne Grube and Kathy Di Domenico for their help with the ceremony for Joe Valentino at the January 18, 2016 Board of Supervisors meeting. She also thanked Mr. Valentino for his years of service in the military.

Mrs. Guterl noted that the HC reorganized at their January 21, 2016 meeting. She stated that Dave Walters was re-elected as the Chair, she as the Vice Chair, and Erica Reilly as Secretary.

At their meeting, the HC reviewed comments from six residents regarding their properties being on the Historical Resources List. Of the 6 properties in question, 5 retained the historic classification.

Mrs. Guterl noted that the Taylor Burial Ground memorial markers are still being evaluated. The Taylor family is seeking pledges in the amount of \$8,000 to erect a granite memorial. The HC is continuing to research the burial ground through various historical resources.

The HC will be meeting with the Parks & Recreation Commission (P&R) to plan the Westtown Community Day on Saturday, September 17, 2016.

Mr. Haws asked if the Historical Resources List has been advertised, and if it would be on the Board's next meeting agenda. Mr. McKenna noted that it was, but added that he will need to review the document and discuss the changes with Mr. Patriarca to see if re-advertising is necessary.

Mr. Di Domenico noted that Judy Bennett Eckles had donated an 1800's encyclopedia to the Township. Mrs. Guterl thanked Mrs. Eckles on behalf of the HC.

There were no other questions or comments.

**D. Planning Commission (PC) – Brent Whitig**

Mr. Whitig stated that the PC had last met on January 20, 2016, and there were two items on the agenda: the Hawthorne subdivision and Westtown Woods (Papenfuss property).

The Hawthorne subdivision was recommended for Preliminary/Final Approval with five waivers.

Westtown Woods is a proposed 15 home subdivision at 1010 Wilmington Pike. The key components for this project include a zoning change from C-2 to R-2, and the use of Rt. 202 as a construction entrance.

At their February 3, 2016 meeting, the PC will discuss the Historic Resources Map, 1131 S. Chester Road rezoning, and two applications that will be going before the Zoning Hearing Board.

There were no questions or comments.

**V. Public Comment Non Agenda Items**

None.

**VI. Old Business**

**A. Special Use Overlay (SUO) Text Amendment - Ordinance Repeal & Zoning Map Amendment**

Mr. Haws made a motion to adopt Ordinance 2016-1 to repeal Chapter 170, Article 13 Special Use Overlay District of the Westtown Township Code. Mr. Di Domenico seconded the motion. There was no public comment and the motion was approved.

**B. Hawthorne Subdivision**

John Jaros, representing the applicants, was present to answer any questions. There was none.

Mr. Haws made a motion to approve the Preliminary Final Plan for the Hawthorne Subdivision inclusive of the five requested waivers outlined in the January 14, 2016 McCormick Taylor letter, as well as making sure all outstanding administrative items are addressed prior to final recording of plans. Mr. McKenna recommended that Homeowners Association bylaws or declarations also reflecting the requirement for the home owners to maintain an area for snow removal. The motion was seconded by Mr. Di Domenico.

There was no public comment and the motion was approved. Mr. Jaros thanked the Board for entertaining this matter this evening.

**VII. New Business**

**A. Resolution 2016-1 - 2015 Chester Co. Multi-Jurisdictional Hazard Mitigation Plan**

Mr. Haws made a motion to approve Resolution 2016-1 seconded by Mr. Di Domenico.

Kathy Di Domenico, 1530 Woodland Road, questioned the numbering of the resolution, stating that the SUO repeal was 2016-1. Mr. Haws stated that was an ordinance. This is a resolution.

There was no other public comment and the motion was approved.

**B. Resolution 2016-2 - Westtown Township Emergency Operations Plan Update**

Mr. Haws made a motion to approve Resolution 2016-1 seconded by Mr. Di Domenico. There was no public comment and the motion was approved.

**VIII. Announcement**

Ms. De Wolf stated that the Township is seeking a volunteer to fill a vacancy on the Parks & Recreation Commission. If you would like to become involved with parks recreation programs, activities, and planning, please send your letter of interest and resume to the Township Manager, Rob Pingar.

**IX. Public Comment on All Topics**

Eva Foster, 734 Westbourne Road, provided a history of the Agricultural Securities Advisory Commission, which she helped found in 1989. She said that their meetings are non-existent, and that farmers in the township are dwindling. Eva thanked the Board for their support since the creation of the Commission.

Kathy Di Domenico asked why the transcribed section regarding the WEGO police budget of the December 7, 2015 Board meeting was not on the website. Mr. Pingar said the transcription was complete, but the Board made the decision not to make them part of the meeting minutes. Ms. De Wolf noted that the Board requested the transcription in case it was needed; however, transcriptions are not typically included in meeting minute documents. Mr. Haws stated that at the time, the Board felt the transcription was necessary, but the issue has since been resolved so it is a moot point. He and Mr. Di Domenico agreed that it should be archived.

Mrs. Di Domenico then asked why the HC and P&R minutes are not current. Mr. Pingar explained that only approved minutes are archived in the Township code on the website. He stated that no minutes have been approved since the last posting. Mrs. Di Domenico also inquired about posting agendas for the two commissions. Mr. Pingar replied that often their agendas are not finalized until the day of the meeting, and therefore cannot always be posted early, but they are posted.

Jack Embick, 189 Pheasant Run Road, stated that he believes the Agricultural Securities Advisory Commission is required to advertise public meetings. Mrs. Foster assured Mr. Embick that there was no meeting and that the memo was prepared by her husband, Tom Foster, who is an attorney. Mr. Brault offered that any person who would like to see the Malt House Operation is free to do so. Ms. De Wolf stated that when the ASAC does meet that the meeting will be made public.

There were no other comments.

X. **Payment of Bills**

Mr. Haws made a motion to approve General Fund bills in the amount of \$223,005.29 and Wastewater Fund bills in the amount of \$7,072.98, for a grand total of \$230,078.27. The motion was seconded by Mr. Di Domenico. There was no public comment and the check registers were approved.

XI. **Adjournment**

Mr. Haws made a motion to adjourn the meeting, seconded by Mr. Di Domenico. The meeting was adjourned at 8:53 PM.

Respectfully submitted,

Robert R. Pingar  
Township Manager