

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING  
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown  
Tuesday, September 6, 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, Director of Public Works Mark Gross, Historical Commissioner Pam Boulos, and Planning Commissioner Brent Whitig. There were 12 guests present.

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

Ms. De Wolf led the Pledge of Allegiance, and called the meeting to order at 7:42 PM. She asked if anyone was recording the meeting. No one was.

II. **Approval of Minutes (August 15, 2016)**

Mr. Haws made a motion to approve the August 15, 2016 Board of Supervisors meeting minutes. Mr. Di Domenico seconded the motion. There was no public comment and the minutes were approved, with Ms. De Wolf abstaining from the vote because she was not present at the August 15 meeting.

III. **Workshop Meeting Summary (September 6, 2016)**

Ms. De Wolf stated that the Board had a heavy workshop agenda beginning with an executive session on police contracts. The Board also discussed the following:

1. Resolution 2016-9 & Depository Collateral Pledge Agreement - Designating Key Bank as a depository for township funds
2. Proposed land development - 1019 Wilmington Pike & 5 Garden Circle
3. Honey Bee Initiative Agreements
4. Zoning Ordinance Amendment for Malt Production
5. Zoning Ordinance Amendment for Major Home Occupation
6. Dunvegan Road Culvert Replacement Project Payments

There were no questions regarding the workshop.

IV. **Departmental Reports**

A. **Public Works – Mark Gross**

Mr. Gross reported that the crew spent the month working on signs and line painting. Due to the relatively mild winter, traffic lines have held up well, so not all intersections need to be repainted. He stated that the Dunvegan Road culvert replacement is finished and working well.

The Rustin residential developer allowed the township to remove approximately 200 yards of topsoil for use at Oakbourne Park. The dirt will be used to create a berm between Gaudenzia and the park, and to level off some areas that are difficult to mow. Mr. Gross reported that a sewage pump failed at the mansion and was serviced on site. There was a lot of grease, so he installed a grease interceptor. A Boy Scout also worked on erosion control on a back trail near the pond for his Eagle Scout Project.

In the wastewater department, the failed pump at Pleasant Grove Pump Station was repaired and replaced. They are now working on the generator, which dates from 1977, and should be included in the capital improvements budget.

Future projects include removing an obsolete exterior stairway from the Oakbourne Mansion, and recontouring a stormwater basin.

There were no comments or questions.

**B. Historical Commission (HC) – Pam Boulos**

Ms. Boulos, reported that the HC interviewed Ray Sarnacki and recommend him for the vacancy.

She reminded everyone that Westtown Day is Saturday September 17 at Oakbourne Park. The HC and Parks & Recreation have been planning an array of activities including Civil War re-enactors, tours of the mansion, a historical talk about Camp Elder, carnival games, petting zoo, pumpkin decorating, food trucks, and live music.

The dedication of 5 gravestones at the Taylor burial ground in Pleasant Grove will be Saturday, October 15 at 10 a.m. The Philadelphia Colonial Fife and Drum band will lead a ½ mile march to the site on Tower Course Drive. Colonial re-enactors and a gun salute are also planned. A chaplain who is also a colonel in the Army Reserves will do the invocation.

The HC is waiting on approval of the letter to go to residents on the Historic Resources List, asking permission to photograph the exterior of those properties (by appointment), provide interior photographs, and/or historical information.

There were no comments or questions.

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

Mr. Whitig stated that the only item on the agenda for their meeting tomorrow night is the Westtown Woods development at the former Papenfuss property. The PC is waiting to hear back from the developer regarding the construction entrance, as well as emergency access off Robin's Nest Lane. Mr. Pingar stated that the email exchange between the developer and PennDOT indicates that it is unlikely that the construction ingress/egress will be off 202. The restrictions PennDOT is imposing are impractical, restricting access to between 9am and 3pm and requiring flaggers and police presence. This means construction entrance would have to be off Jacqueline Drive.

Mr. Haws inquired about the Dunkin Donuts application. Mr. Whitig stated that the PC approved conditions that the Board take into consideration based on the proposed text amendment.

There were no other questions or comments.

**D. Township Solicitor – Patrick McKenna**

Mr. McKenna was not present.

**V. Public Comment Non Agenda Items**

Pam Boulos, 200 Cheney Drive, asked about the status of the Dunkin Donuts. She stated that she has two children at the Kinder Care and said that she did not think it was a safe or responsible development option. Ms. De Wolf stated that there will be Conditional Use Hearings on the project, and suggested that Ms. Boulos attend the hearings to state her concerns. Ms. Boulos stated there is an online petition with over 500 signatures against the project. Mr. Haws added that the Conditional Use process requires that the developer address traffic and other concerns.

VI. **Goshen Fire Company Presentation**

Robert Hall, President of the Goshen Fire Company provided an overview of the fire company and made their annual request of financial support from the township. Ms. De Wolf stated that the West Chester Area Council of Governments (COG) is looking at formulas to allocate funds among the municipalities serviced by the Company. Assessed property value and calls for service are among the components used in the allocation.

VII. **Old Business**

A. **Honey Bee Initiative Agreements**

Ms. De Wolf stated that the Board has evaluated the bee keeping initiative proposed by Carmen Battavio and his colleague. Bee keeping is beneficial to the community for pollination, and the initiative would have the added benefit of assisting the township in their quest for certification from the National Wildlife Federation as a Community Wildlife Habitat.

Mr. Haws made a motion to approve the License Agreement for carmenbshoney LLC Honey Bee Initiative to place and maintain honey bee hives on township property. Ms. De Wolf seconded the motion.

Kathy Di Domenico, 1530 Woodland Road, supported the concept of bees in the township, but stated that she did not think it should be allowed without some financial benefit to the township, arguing that a non-resident is getting free use of township land to run a for profit business.

Ms. De Wolf asked her fellow Board members if they would consider a fee. Mr. Di Domenico supported a nominal fee to negate the perception of favoritism. Mr. Haws stated that the collection of a nominal fee would not cover the cost of the solicitor's time to change the agreement. The motion to approved the License Agreement was denied by a vote of 1 (TH) to 2 (CD, MD).

Ms. De Wolf then made a motion to approve the License Agreements for carmensbshoney LLC and Jeffery Briar Honey Bee LLC with an amendment adding a \$50.00 fee. The motion was seconded by Mr. Di Domenico. There was no other comment and the motion was approved 2 to 1, with Mr. Haws dissenting because he thought the fee was not warranted due to the benefits to the community of adding bee hives.

B. **Zoning Ordinance Amendment – Malt Production (1629 E. Street Road, Deer Creek Malthouse)**

Mr. Haws made a motion to approve Ordinance 2016-5 to amending the Township Zoning Ordinance regarding uses accessory to agriculture to permit malt production and by adding new definitions for malt, malt production, and malt tasting room. The motion was seconded by Mr. Di Domenico. There was no public comment and the motion was approved.

C. **Dunvegan Road Culvert Replacement Project – Payments #1 & #2**

Mr. Haws made a motion to approve payments #1 and #2 totalling \$171,687.22 to DiRocco Bros., Inc., leaving retainage of \$1,500.00. Final payment of the \$1500 retainage will be made when the temporary erosion control measures are removed. The motion was seconded by Mr. Di Domenico. There was no public comment and the motion was approved.

D. **Rustin Residential Subdivision - Escrow Release #2**

In their letter dated August 30, 2016, township engineer McCormick Taylor recommends Escrow Release No. 2 in the amount of \$771,429.69 for the Rustin Residential Project. Mr. Haws made a motion to approve Escrow Release No. 2 in the amount of \$771,429.69 from the financial security escrow account for the Rustin Residential development. Mr. Di Domenico seconded the motion. There was no public comment and the motion was approved.

## VIII. **New Business**

### A. **Historical Commission Appointment**

The Historical Commission and the Board have evaluated Mr. Ray Sarnacki's interest and qualifications, and have determined he is well suited for this appointment. Mr. Haws made a motion to appoint Ray Sarnacki to the Westtown Township Historical Commission vacancy expiring December 31, 2017. Mr. Di Domenico seconded the motion. There was no comment and the motion was approved.

### B. **2016-17 Group Salt Bid Award**

This is a group bid with West Goshen and East Goshen townships. Eastern Salt Company (formerly Oceanport) was the low bidder at \$65.10 per ton, delivered, which is the same price as the 2015-16 contract. WG and EG have indicated their acceptance of the bid. Mr. Haws made the motion to award the 2016-2017 Group Salt Bid to Eastern Salt Company in the amount of \$26,040 (Westtown's portion at a unit price of \$65.10/ton). The motion was seconded by Mr. Di Domenico. There was no public comment and the motion was approved.

### C. **Resolution 2016-9 and Depository Collateral Pledge Agreement – Designating Key Bank as a Depository for Township Funds**

Westtown uses First Niagara for general banking. Key Bank recently acquired First Niagara, so the township must transition their account. The state requires a Depository Collateral Pledge Agreement. Mr. Haws made a motion to approve Resolution 2016-9 designating Key Bank as a depository for Township funds and to execute the Depository Collateral Pledge Agreement. The motion was seconded by Mr. Di Domenico. There was no public comment and the motion was approved.

### D. **Ordinance 2016-6 - Major Home Occupation**

Mr. Haws made a motion to authorize the advertising of Ordinance 2016-6 to amend the Township Zoning Ordinance to allow a limited professional office use as a major home occupation at the intersection of two arterial roads by special exception. The motion was seconded by Mr. Di Domenico. There was no public comment and the motion was approved.

### E. **Resolution 2016-10 - Amendment to Sterling Act**

Mr. Haws made a motion to adopt Resolution 2016-10, an amendment of the Sterling Act to require an amount up to one percent (1%) of the non-resident Philadelphia Wage Taxes paid by non-residents of Philadelphia be remitted to the municipality in which the tax payer resides. For Westtown this amounts to about \$150,000 in lost revenue. The motion was seconded by Mr. Di Domenico. There was no public comment and the motion was approved.

## IX. **Announcements**

Ms. De Wolf made the following announcements:

1. **Westtown Day** – Westtown will be holding its inaugural Community History Day on Saturday, September 17, from 10 am to 2 pm at Oakbourne Park and Mansion. Attendees can learn more about Westtown’s rich past, notable residents and historic events since its inception in 1685, over three hundred years ago. There will be family-friendly events, food and games for children. Come and meet your neighbors! All ages are welcome. Go to the link on the township website for more information
2. **Comprehensive Plan Update, Task Force Meeting** – Thursday September 22, 2016 at Township Building.
3. **Taylor Burial Ground monuments dedication ceremony** – Saturday, October 15, 2016 at 10:00 am on Tower Course Road. The Westtown Historical Commission has arranged for the dedication of grave markers to honor five Chester County Militia veterans of the American Revolution who were buried in a nearby family burial ground lost to development. The dedication ceremony will include a parade by a fife and drum band

X. **Public Comment on All Topics**

There was none.

XI. **Payment of Bills**

Mr. Haws made a motion to approve General Fund bills in the amount of \$803,906.35, Highway Fund bills in the amount of \$350,000.00, for a grand total of \$1,153,905.35. The motion was seconded by Mr. Di Domenico. There was no public comment and the check registers were approved.

XII. **Adjournment**

Mr. Haws made a motion to adjourn the meeting, seconded by Mr. Di Domenico. The meeting adjourned at 8:41 p.m.

Respectfully submitted,

Robert Pingar  
Township Manager