

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING
Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown
Monday, August 15, 2016 at 7:30 PM

In attendance were: Vice Chair Tom Haws, Police Commissioner Mike Di Domenico, Township Manager, Rob Pingar, Chief Brenda Bernot, Township Solicitor Patrick McKenna, Historical Commissioner Deborah Litman-Goch and Planning Commissioner Steve Rodia. There were 7 guests present.

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

Mr. Haws led the Pledge of Allegiance, and called the meeting to order at 7:35 PM. He asked if anyone was recording the meeting, adding that he did not understand why that question had to be posed. Mr. McKenna stated that it is asked so members of the audience would be informed that their comments were being recorded. There was no response.

II. **Approval of Minutes (August 1, 2016 Regular Meeting)**

Mr. Di Domenico made a motion to approve the August 1, 2016 Board of Supervisors regular meeting minutes. Mr. Haws seconded the motion. There was no public comment and the minutes were approved.

III. **Workshop Meeting Summary (August 15, 2016)**

Mr. Haws reported that the Board discussed four items during their workshop:

1. 2016 Road Program – Payment #1
2. Resolution 2016-8 - Fund Balance Policy Amendment
3. Honey Bee Initiative Agreements
4. Crebilly Farm / Toll Brothers

Mr. Haws stated that the first three items are on tonight's regular agenda. The discussion with representatives from Toll Brothers focused on various public improvements such as parks, road improvements, sewer upgrades, and preserving the historic structures on the property in exchange for higher density.

There were no questions regarding the workshop.

IV. **Departmental Reports**

A. **Westtown East Goshen Police (WEGO) – Chief Brenda Bernot**

Chief Bernot reminded residents to read the police blotter on the WEGO website (www.westtownpolice.org) for information about incidents in the township. She said the department is still seeing a lot of theft from unlocked vehicles, open garages, and sheds. She stressed the importance of removing valuables from cars and locking everything.

The Chief announced that the department is accepting applications for the 2016 Citizens Police Academy. This is a 12-week program designed to give residents a better understanding of the role of the police. The program includes Red Cross first aid certification, which costs \$27.

There was no public comment.

B. **Township Solicitor – Patrick McKenna**

Mr. McKenna reported that he has been working on the license agreements for the honey bees, and the malt house ordinance. He also drafted a lease for the mansion caretaker, dealt with several zoning interpretations for Mr. Patriarca, a few enforcement cases for non-compliance with the Sewage Management Program, the Money appeal, and the 4 lot land development on Garden Circle. He added that the Dunkin Donuts text amendment and conditional use are also proceeding, and will be reviewed by the Planning Commission at their meeting this week.

Patricia Ryan Platt, 1069 Edgewood Chase Drive, asked about the Money appeal. Mr. McKenna explained that Theresa Money owns a property behind the electronic billboard. She has been in litigation with the billboard owner and the township. The court ruled in favor of the township, but she is now appealing the decision.

There were no other questions or comments.

C. Parks & Recreation Commission (P&R) – Deb Litman-Goch

Ms. Litman-Goch announced the final movie night will be on Friday, August 19, featuring “The Princess Bride.” The show starts at 8:30 p.m.

The P&R Commission is also working with the Historical Commission on Westtown Day, Saturday, September 17 from 10:00 a.m. to 2:00 p.m. She said there will be events for the entire family, food, and fun. She requested that anyone interested in volunteering to help with the event contact her or Pam Coleman at the township.

There were no questions.

D. Planning Commission (PC) – Steve Rodia

Mr. Rodia filled in for Mr. Yaws tonight. At their last meeting, the PC discussed the West Wynn I Act 537 study, and a zoning variance for a garage at 1056 E. Niels Lane. Old business included the residential chicken keeping ordinance. The PC incorporated several suggestions made by Phillip Clauer, a poultry expert from the Penn State Extension Office. They also discussed the Malt Production ordinance, which was not on the agenda. The PC unanimously approved the draft ordinance.

Mr. Di Domenico asked for clarification on keeping roosters. Mr. Haws stated that the ordinance applies only to residential chicken keeping. Roosters are only permitted in AC zoning. Mr. Pingar responded that the ordinance will be on the Tuesday, Sept. 6 workshop for further discussion.

Eva Foster, Goose Creek Farm – 734 Westbourne Road, asked for clarification on rooster keeping. She has 18 acres zoned R1. She brought up the ACRE law which states that any property over 10 acres allows for farming. Mr. Pingar stated that this ordinance applies to residential chicken keeping only, and that properties covered under ACRE would not be subject to the limitation on roosters.

Patricia Ryan Platt asked if an application is necessary if someone wants to raise chickens. Mr. Pingar replied that a chicken coop would require a permit, and the ordinance regulates the number and type of chickens. She then asked about the process for notifying residents when a building permit application is received by the township. Mr. McKenna stated residents are only notified of Conditional Use Hearings, Zoning Hearings (variances), and things of that nature. Issued building permits are posted monthly on the township website. Ms. Platt was requesting that permit applications that may affect neighboring properties be posted in advance of issuing the permit. Mr. Pingar stated that permits are issued according to the township code and are not open to public opinion. Mr. McKenna suggested that the Board discuss the issue at another time.

There were no other questions or comments.

V. **Public Comment Non Agenda Items**

There was none.

VI. **Old Business**

A. **2016 Road Program Payment #1**

Allan Myers satisfactorily completed the 2016 Road Program in the amount of \$934,831.65. Township Engineer, McCormick Taylor, has reviewed the project and recommended payment of 95% of this total (\$879,628.76) with 5% withheld (\$46,296.25) until all outstanding punch list items are satisfactorily addressed, and pending receipt of outstanding administrative items for project close-out.

Mr. Di Domenico made a motion to approve payment to Allan Myers, L.P. in the amount of \$879,628.76 for 2016 Road Program. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

B. **Former Kirkwood Fitness Center - Certificate of Continuance**

In August 2015 the property owner, Spencer Qualls, requested a Certificate of Continuance to extend the existing non-conforming use at the former Kirkwood Fitness Center property at 1646 West Chester Pike for a period of one year. Since the fitness center closed in 2015, the 30,000 square foot building has been marketed. A rock climbing gym and a medical office use were being considered in 2015, but those deals never went through. Mr. Qualls is requesting a one-year extension as they continue to market the property. If the Board is comfortable with the existing non-conforming use, then it is reasonable to extend the 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, 2017, in accordance with Section 170-1901.E of the Westtown Township Zoning Ordinance. Mr. Haws seconded the motion. There was no public comment and the motion was approved.

VII. **New Business**

A. **Resolution 2016-8, Fund Balance Policy Amendment 1**

Mr. Haws explained that in 2013 when the Board approved a 1% millage rate increase, Resolution 2013-17 was approved to established a Fund Balance Policy to reserve funds for capital improvements. The Policy did not indicate that the Sewer Capital Reserve may be used for the entirety of Westtown's sewer system, and did not unambiguously indicate that the Reserve may be used for a capital improvements program, as was originally intended when the Fund Balance Policy was conceived.

Mr. Di Domenico made a motion to adopt Resolution 2016-8 to amend the Fund Balance Policy to provide using the Sewer Capital Reserve for all of Westtown's sewer collection, conveyance, and treatment infrastructure serving all areas of the township, and establishing a Sewerage Capital Improvement Program, in association with the Sewerage System Capital Reserve, to provide for studying, analyzing, designing, and constructing system improvements and replacements in order to maintain a reasonable and responsible sewerage system for the sewer customers of Westtown Township. Mr. Haws seconded the motion. Mr. Di Domenico clarified that this resolution does not have anything to do with the On Lot Sewage Management Program.

There was no public comment and the motion was approved.

B. **Honey Bee Initiative Agreements**

The Board is being asked to approve two honey bee license agreements to place and maintain bee hives on township property for an agreement period of one year, with the option to extend the agreements for additional one-year renewal terms. One is for Carmen Battavio and the other is for Jeffrey Bryer.

Mr. Di Domenico 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. Litman-Goch asked what benefit to the township allowing this initiative would provide. She asked if Mr. Battavio and Mr. Bryer would profit from the use of township property. Mr. Pingar stated there is potential for profit, but said that rebuilding bee colonies is a benefit to the township. Mr. Haws added that he felt the initiative would assist the township in getting the National Wildlife Federation Community Wildlife Habitat certification that the Parks & Recreation Commission initiated earlier this year.

Patricia Ryan Platt said this is a for-profit enterprise, and asked if there was any monetary exchange between the bee hive owners and the township. Mr. McKenna stated this is a one-year agreement, but there is no financial gain for the township. Ms. Ryan Platt added that Mr. Battavio is a former East Goshen supervisor and felt that the arrangement appears to be an act of favoritism. Mr. Haws stated that prior to his presence on the Board, the township agreed to a ten-year lease on the Cope tract, allowing for a much greater potential for financial gain. She suggested an alternate location.

Eva Foster, 734 Westbourne Road, echoed the sentiments of Ms. Litman-Goch and Ms. Ryan Platt. She felt that the initiative set a precedent for other for profit operations on township property. She questioned the Board's response if a resident asked to put 15 chicken coops on township property as a commercial enterprise. She asked why the residents have not been informed about this initiative. Mr. Haws responded that any resident is permitted to submit a proposal for consideration by the Board.

Mr. Haws called for the vote. Mr. Di Domenico stated he wanted to table the discussion. Mr. McKenna advised him that he had to make a vote on the motion. Mr. Di Domenico voted against the motion. Mr. Haws voted in favor. Therefore, the motion failed.

Mr. Di Domenico made the motion to table the agreements. Mr. Haws seconded the motion and called for public comment.

Ms. Ryan Platt stated she thought it was a good decision to consider the matter further and allow for resident input. Mr. Haws stated that the initiative was discussed at two workshop meetings, which are open to the public. There was no further public comment and Mr. Haws called for the vote. Mr. Di Domenico voted in favor of tabling the license agreements. Mr. Haws voted against. Therefore, the issue was tabled de facto.

VIII. **Announcements**

Mr. Haws made the following announcements:

1. Summer Movie Night Friday, August 19 at Oakbourne Park featuring "The Princess Bride"
2. WEGO Citizen's Police Academy – Tuesdays starting September 6 at 7:00 pm. The Westtown-East Goshen Regional Police Department has designed a Citizens Police Academy that will enable citizens to have a better understanding of the operations of the Police Department and its Officers. In addition, citizens will develop a greater awareness and appreciation of the challenges and decisions faced by Westtown-East Goshen Police Officers on a daily basis. Go to the link on the township website for more information and to register.

3. Neighborhood University – Thursdays starting September 8 at 7:00 pm. Neighborhood University of Greater West Chester is a free program offered by the West Chester Area Council of Governments to educate citizens about local government and increase their awareness of available municipal services and resources. Go to the link on the township website for more information and to register.
4. 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. 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.
5. Historical Commission Vacancy. Interested residents should send their resume and letter of interest to Township Manager, Rob Pingar.

IX. **Public Comment on All Topics**

Patricia Ryan Platt stated that she read the Planning Commission meeting minutes and expressed concern about the Malt House use, particularly noise. Mr. Rodia stated that the malt house would have to conform with the existing noise ordinance. She asked if there was any limit to the number of tastings the malt house would hold. Mr. McKenna said there is no restriction on the number of tastings. He said the ordinance is modeled after the PLCB license requirements and considers parking, lighting, noise. He stated the ordinance has been reviewed by the township and county planning commissions, and will be on the Tuesday September 6 Board agenda for authorization of advertising of the ordinance. She asked how the use is possible in a dry township. Mr. Pingar replied that because the beer is made from malt on the farm, it is exempt.

There was no other public comment.

X. **Payment of Bills**

Mr. Di Domenico made a motion to approve General Fund bills in the amount of \$117,824.88, Wastewater Fund bills in the amount of \$10,320.01, and Capital Projects in the amount of \$256,652.41 for a grand total of \$384,797.30. The motion was seconded by Mr. Haws.

Mr. Haws stated that the \$256,652.41 Capital Projects payment is for the Sewer Capital Improvements program.

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 adjourned at 8:49 PM, with the Board re-convening in Executive Session.

Respectfully submitted,

Robert Pingar
Township Manager